



LAWS

OF A

LOCAL NATURE,

PASSED AND PUBLISHED AT THE TWENTIETH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

HELD AT INDIANAPOLIS, ON THE FIRST MONDAY IN DECEMBER, ONE

THOUSAND EIGHT HUNDRED AND THIRTY-FIVE.

BY AUTHORITY.

Indianapolis:
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1836.

LAWS

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CHAPTER I.

AN ACT making General Appropriations for the year eighteen hundred and thirty-six.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated for the expenses of the present General Assembly, including the pay of members, secretaries, clerks, serjeants-at-arms, door-keepers, fuel, binding and distributing the laws and journals, together with all other expenses incident to the present session, the sum of twenty-five thousand dollars; printing and stationery, seven thousand dollars; specific appropriations, four thousand five hundred dollars; judiciary, including prosecutors, nine thousand dollars; probate judges, two thousand five hundred dollars; executive officers, two thousand six hundred dollars; Adjutant and Quarter-master Generals, one hundred and fifty dollars; contingent expenses, eight hundred dollars; wolf scalps, seven hundred dollars; state library, three hundred dollars; state prison, two thousand dollars; and for the state house, seven thousand five hundred dollars.

CHAPTER II.

AN ACT making Specific Appropriations for the year 1836.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the principal and assistant secretaries of the Senate, and principal and assistant clerks of the House of Representatives, shall severally be allowed three dollars and fifty cents per day; and the enrolling secretary of the Senate, and enrolling clerk of the House of Representatives, three dollars and fifty cents per day, for each and every day they may have served as such during the present session;

and the door-keeper of the Senate, and the door-keeper of the House of Representatives, each two dollars and twenty-five cents for every day they may have served as such, during the present session; and the sergeant-at-arms of the Senate, and sergeant-at-arms of the House of Representatives, three dollars and fifty cents for every day they may have served as such during the present session; and that George Gorham and Zebulon P. Hand be allowed each one dollar and twenty-five cents per day, for their services as assistant door-keepers to the House of Representatives during the present session.

SEC. 2. That Benjamin Crews, William Miller, and John G. McClelland be allowed the sum of three dollars and twenty-five cents each; William Doble two dollars and twenty five cents, John Walker three dollars and seventy five cents, William Sheets, Austin W. Morris, John Sering, and David Burr, one dollar and twenty-five cents each, for attendance as witnesses before the committee on roads of the last session.

SEC. 3. That W. S. Unthank be allowed the sum of eight dollars, for preparing the Hall and Senate Chamber for the reception of the Legislature.

SEC. 4. That Oliver H. Smith be allowed the sum of fifty dollars, for the performance of duties assigned him by the last Legislature—Benjamin Rodgers, twenty five dollars for eleven days services, and the per centum on \$173 12 $\frac{1}{2}$ of money collected and paid into the State Treasury, as superintendent of the Jackson Salt Lick Reservation; Francis Kauffman, eleven dollars, and Thomas Woollen, eight dollars, for work done by them on the State house.

SEC. 5. That Charles T. Noble be allowed the sum of fourteen dollars and twenty eight cents, for money by him improperly paid to the Treasurer, as Collector of Vigo county, and to William Johnson, special Sheriff of Wabash County, the sum of seventy dollars, for services rendered by him, in the recapture of Jeremiah Sullivan.

SEC. 6. That John H. Bradley, be allowed the sum of twenty-four dollars; Lathrop M. Taylor, thirty-four dollars; John B. Duret, ten dollars, and Allen Hamilton, forty dollars; Samuel C. Sample, Henry Cooper, John Norris, and George Beal, fifty six dollars each, Charles Ervin, sixty dollars; Alexander Coquillard, forty dollars, and Josiah Grover, fifty-six dollars, for services as witnesses in the case of impeachment against Judge Everts.

SEC. 7. That William C. Hannah be allowed the sum of eighteen dollars, as witness in the case of the State against Judge Everts; that Augustus Wylie, of Tippecanoe county, be allowed the sum of twenty one dollars and sixty-four cents, Arthur L. Blagrove, of Dubois county, twenty-one dollars and seventy-four cents, for money improperly paid by them into the State Treasury, and to the Hon. Isaac Blackford the sum of one hundred and sixty eight dollars, for forty-two volumes of "Blackford's Reports."

SEC. 8. That the Treasurer of State be allowed twelve hundred and forty dollars and ninety-six cents paid by him by authority of a

joint resolution of the last General Assembly, in sums as follows, viz: to the treasurer of the corporation of Indianapolis, on account of fire engine and hose, nine hundred dollars; to Edward Davis, for fire buckets, seventy-five dollars; to John Mathews, for ladders, fifty dollars; to Peter Winchel, for building engine house, one hundred and sixteen dollars and ninety-six cents; and to the Madison Insurance Company, for insurance of State House, one hundred and one dollars—making altogether the aforesaid sum of twelve hundred and forty two dollars and ninety six cents.

SEC. 9. That George Brawdrick be allowed the sum of twenty-six dollars and thirty one cents, for moneys by him overpaid as Collector of the revenue of Grant county, for the year 1835.

SEC. 10. That Sampson Leatherman be allowed twenty-five dollars for services rendered this General Assembly.

SEC. 11. That George Gorham be allowed two dollars for setting two stoves and getting pipes made.

SEC. 12. That Noah Noble be allowed the sum of two hundred and fifty dollars, for money expended and for services superintending the rail road surveys during the year 1835.

SEC. 13. That it shall be the duty of the commissioners superintending the erection of the State House to make such allowance for furniture furnished for either Hall, or repairs done, as they may deem just; and such allowance, so made and certified by said commissioners, shall be audited by the Auditor of Public Accounts, and paid by the Treasurer out of any moneys in the treasury, not otherwise appropriated; that the sum of sixty-seven dollars be allowed Richard Mattingly, for keeping and finding prisoners sent to the Marion county jail from the county of Miami, to be paid out of the canal fund; that the allowance to the superintendent of the loan office, named in the sixty-fourth section of the act making specific appropriations for the year 1835, shall be taken and construed as a per annum allowance, to be estimated on the outstanding loans, on the first day December in each year.

SEC. 14. That Stacy and Williams be allowed eight dollars and twenty-five cents for paper; that David Wallace be allowed three dollars and twenty-five cents for postage on letters and public documents directed to him as President of the Senate; that Mordecai Cropper be allowed eighty-three dollars for articles of furniture for the State House, shown in his bill; that Charles Grover be allowed the sum of sixty dollars and twenty five cents for work done about, and articles furnished by him, for the State House, set forth in his bill; that Nathaniel Cox be allowed the sum of two dollars for moving stoves in the Senate Chamber; that Newton Norwood be allowed the sum of fifty cents for hauling one load of boxes to the State House during the present session of the General Assembly; that Isaac N. Phipps be allowed the sum of three dollars for one axe and one counter brush, for the use of the last General Assembly; that Oliver Morse be allowed the sum of thirty-nine dollars

and twenty-five cents for sundry articles procured and services done for the present General Assembly; that Robert Martin be allowed the sum of fifteen dollars for setting two fluted columns, or lamp posts, at the State House; that McCluer and Davis be allowed the sum of fifty eight dollars and twenty-five cents for articles furnished the State House, during the present session of the General Assembly; that J. F. Ramsay be allowed the sum of nineteen dollars for sundry tables and desks furnished for the use of the State House, during the present session of the General Assembly; that C. and J. Cox be allowed the sum of twenty-six dollars and fifty cents for sundry articles furnished for the use of the present General Assembly; that A. W. Russell be allowed the sum of fifteen dollars and fifty cents for sundry articles furnished last winter, in the funeral of the Hon. William Wallace, a member of the Senate; and two dollars and eighty-seven cents for sundry articles per the officers of State; that Underhill, Wood, & co. be allowed eighteen dollars for nine boot scrapers for the State House, and one dollar twelve and a half cents for two small cog wheels for hauling up wood into the State House; that John Jenison be allowed the sum of twelve dollars and ninety cents for binding eighty-six copies of Engineer's Reports, per order of the House of Representatives; that J. M. Moore & co. be allowed their account for sundries, amounting to seventy one dollars and eighty-nine cents; also, that F. W. Emmons, as reporter of the Senate, be allowed the sum of one hundred and twenty dollars for his services.

SEC. 15. That David M'Donald of Daviess county, be allowed the sum of fifty dollars in full, for his services in prosecuting the pleas for the State, on an information against the Wabash Insurance Company, lately determined in the Knox Circuit Court.

SEC. 16. That Robert Fleming and Daniel M. Noe, the assistant door keepers of the Senate, be allowed the sum of one dollar and twenty five cents each, per day, during the present session of the General Assembly.

SEC. 17. That the sum of eight dollars and eighty one cents be allowed to Alexander D. Scott, clerk of the county of Knox, for services in the suit of the State of Indiana against the Wabash Insurance Company; and that the sheriff of Daviess county, be allowed one dollar forty-six and a half cents; and that the sheriff of Knox county, be allowed two dollars and eighty-two cents, for their services in the suit aforesaid:

SEC. 18. That H. B. Allen be allowed six dollars fifty cents, for painting lamp posts, columns of Senate Chamber, and glazing in the two halls. That James Fisler be allowed ten dollars for labour four days in preparing Representatives' Hall, for the present General Assembly.

SEC. 19. That the following named individuals be allowed the following sums for their attendance as witnesses in the trial of C. C. Nave, a member of the House of Representatives, viz:

Jubal Lee, \$7.25; Henry M. Voris, \$7.25; Elijah Anderson, \$9.20, Thomas Nichols, \$7.25; William M'Gee, \$5.40; James H. Hays, \$7.25; Larkin R. Campbell \$7.25; Henry H. Marwin, \$5.50; James Logan \$5.50; Noah Hardin, \$5.50; James Dogan, \$5.50; Thomas B. Kaywood, \$9.00; John Cowgill \$16.00; James Sigerson \$5.50, Simon T. Hadley, \$9.00; C. W. M'Gaughy \$15.00; Henry Secrest, \$15.00; John Dunn, \$8.00.

SEC. 20. That the Treasurer of State be authorized to have ensured for one year, the State House and furniture to an amount not to exceed twenty thousand dollars, on the best terms to the State, possible; and that the Auditor of Public Accounts, be authorized to audit the amount of such insurance.

SEC. 21. That Yandes and E. T. Porter be allowed fifty dollars, ninety-two cents, for sundry articles of merchandize, furnished the State of Indiana, during the present session of the General Assembly. That A. F. Morrison be allowed one hundred and ten dollars, money by him paid into the State Treasury, as a penalty for failing to comply with his contract as a public printer, for 1834 and '5. That Douglass and Maguire, be allowed one hundred and ninety dollars, money by them paid into the State Treasury, as a penalty for failing to comply with their contract as public printers for 1834 and '5. That Landis and Morris be allowed thirty-seven dollars, sixty two and a half cents, for sundry articles of merchandize furnished the State of Indiana, for the use of the General Assembly; and that Henry Porter be allowed thirty-three dollars and seventy nine cents for merchandize for the use of this General Assembly: That Josiah Davis be allowed twenty one dollars, thirty seven and a half cents, for work done for the State of Indiana; that T. M. Smith and Co. be allowed thirty-two dollars and thirty-six cents for merchandize in furnishing the Hall of the House of Representatives and the Senate: That Fletcher and Bradley be allowed the sum of three dollars twelve and a half cents for stationary for this General Assembly.

SEC. 22. That Caleb B. Smith, Speaker of the House of Representatives, be allowed one dollar and fifty cents for postage on public documents. That M. M. Henkle, be allowed five dollars and seventy five cents, for paper and sand boxes furnished this General Assembly.

SEC. 23. That the commissioners of the State House, be authorized if they deem it just, to allow Mordecai Cropper, for extra work done on the desks of the Representatives' Hall not to exceed however twenty five dollars.

SEC. 24. That there be allowed to the Secretary of State, for copying the laws of the present session, making marginal notes and index, and superintending the printing the sum of one hundred dollars.

CHAPTER III.

AN ACT to incorporate Michigan City.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the district of country in the county of Laporte within the following bounds, that is to say, beginning at the south west corner of section number thirty-one, in township number thirty eight north, of range, number four west, from thence north along the west line of said section, and to continue that course into Lake Michigan, until it reaches the north line of the State, from thence east along the State line through the lake, three miles, thence south to the shore of said lake, to where the east line of fractional section, number twenty one, in the aforesaid township, intersects the lake shore; thence south along the east line of said fractional section and continuing that course to the south east corner of section number thirty three, thence west along the south line of sections thirty three, thirty two and thirty one, to the place of beginning, shall hereafter be known as Michigan City.

SEC. 2. The inhabitants of said city, shall be a corporation by the name of "Michigan City" and may sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take, hold, purchase and convey, such real and personal estate, as the purposes of the corporation may require.

SEC. 3. The said city shall be organized and considered as one ward for all the purposes of this act, until the first Tuesday in April, one thousand eight hundred and forty-one, and until the wards hereinafter mentioned, shall be organized, and shall have each elected two Aldermen.

SEC. 4. There shall be in and for said city, one Mayor, one Recorder, five Aldermen, one Treasurer, one or more Collectors, not less than three assessors or listers and such other officers as are hereinafter authorised to be appointed, which Mayor, Recorder, Aldermen and assessors, shall be residents, and freeholders within said city, and elected by the people as hereinafter directed.

SEC. 5. That Alden Clark, Homer S. Findlay, Wm. W. Taylor, John Sherwood and Richard C. Inman, or a majority of them shall be the inspectors of the first election under this act which shall be held at the *school house* in said city on the first Tuesday in April next, at which election, all the voters who have resided within the bounds of said city, for the last six months shall be legal voters, and if freeholders, eligible to any of the offices created by this act, the same as though they had resided in the state one year preceding such election.

SEC. 6. At which election there shall be elected one Mayor, one Recorder, five Aldermen, and three Assessors, by ballot, and each

person offering to vote shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors in the presence of the board.

SEC. 7. The ballot shall be a paper ticket which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which the person so named, is intended by him to be chosen, but no ballot shall contain a greater number of names as designated to any office, than there are persons to be chosen to fill such office.

SEC. 8. The poll of which election, and all subsequent elections, held in pursuance of this act shall be opened at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of the same day, and no longer. Poll lists shall be kept in the same manner, as nearly as may be, as is provided by law for keeping poll lists at the general state elections.

SEC. 9. Every person voting at such election shall be an actual resident of said city, and shall, if required by any person qualified to vote thereat before he is permitted to vote, take the following oath, "You do swear (or affirm) that you are a citizen of the United States, of the age of twenty one years, that you have been an inhabitant of this State for one year next preceding this election, and for the last six months, a resident of this county, and now a resident of this city (or ward as the case may be) and that you have not voted at this election (The words "That you have been an inhabitant of this State for one year next preceding this election" to be omitted at the first election held in pursuance of this act.)

SEC. 10. After the poll of any election is closed, the inspectors holding the same in the said city or in each of said wards as the case may be, shall on the same or next day, canvass and estimate the votes given at such election. The canvass shall be public and shall commence by a comparison of the poll lists, and a correction of any mistakes that may be found therein, until they shall be found or made to agree. The ballots shall be counted unopened, except so far as to ascertain that each ballot is single, and if two or more ballots shall be found so folded as to present the appearance of a single ballot they shall be destroyed.

SEC. 11. If the ballots shall be found to exceed in number the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots unopened, as shall be equal to such excess. The ballots and poll lists being found or made to agree; the inspectors holding such election shall then proceed to canvass and estimate the votes.

SEC. 12. The canvass being completed, a statement of the result shall be drawn up in writing by the inspectors which they shall certify to be correct, and subscribe with their names, and file the same with the recorder of said city on the same or the next day after the can-

ass is completed. The inspectors shall determine and certify who are by the greatest number of votes elected Mayor, Recorder, Aldermen, and assessor of the said city, until the said city shall be divided into wards as is hereinafter mentioned.

SEC. 13. The common council of said city, shall in the month of January in the year one thousand eight hundred and forty one, divide the said city into not less than three, or more than five wards, as nearly in size and population as practicable, and record the same in the Recorder's office, in the book of records of said city.

SEC. 14. After the first election held under this act, the common council shall appoint three inspectors of election, and where the same shall be held and give public notice in the newspaper or papers, printed in said city, at least fifteen days previous to the first Tuesday in April in each succeeding year, on which day the annual election shall be held, and after February in the year one thousand eight hundred and forty one, shall appoint three inspectors in each of the wards in said city, annually, and designate the place where the said annual election shall be held, at least fifteen days previous as aforesaid, after which time no elector shall be permitted to vote at said election out of the ward in which he resides.

SEC. 15. After the said city shall be divided into wards there shall be elected at each annual election, two Aldermen and one Assessor in each ward, who shall be residents thereof, and the inspectors of the election so held shall canvass and estimate the votes taken at such election as aforesaid and determine who shall be elected Aldermen and Assessor by the greatest number of votes, and proceed as is directed in the twelfth section of this act.

SEC. 16. At the canvass aforesaid, the said inspectors shall estimate the number of votes given for each individual, for Mayor and Recorder, and certify the same under their hands, and appoint one of their number, whose duty it shall be to meet at the Recorder's office, on Wednesday next succeeding said election, at four o'clock of the afternoon of said day, and there to form a board of canvassers, whose duty it shall be to canvass and estimate the votes as certified from the several wards, and there determine by the greatest number of votes who is elected Mayor, and who is elected Recorder, and certify the same under their hands, and deliver the same to the Recorder or his clerk, and the same to be recorded in the book of records of said city.

SEC. 17. All officers elected under this act at the annual election, shall enter on the duties of their respective offices, on the second Tuesday in April in each year, and hold the same for one year, and until others shall be elected, and sworn. It shall be the duty of all officers elected or appointed in pursuance of this act, before he enters on the duties of said office, to appear before some proper officer, authorized to administer oaths, and take and subscribe the oaths prescribed by the eleventh Article of the constitution of this state, and file the same in the office of the Recorder of said city.

SEC. 18. No person entitled to vote at any election held under this act, shall be arrested on any civil process within said city on the day on which said election is held.

SEC. 19. Vacancies in the offices of Mayor, Recorder, Aldermen, or Assessors, by death, removal or otherwise, may be filled at a special election, called and appointed by the common council, and conducted in the same manner as an annual election. Vacancies in all other offices shall be filled by appointment by the common council. All officers appointed or elected to any office under or by virtue of this act, shall be appointed or elected annually (and except to fill a vacancy) shall hold their respective offices for one year, and until others are chosen, and have taken the oath of office.

SEC. 20. The Mayor, Recorder and Aldermen of said city, shall constitute the common council of said city. The common council shall meet at such places and times, as they, by resolution shall direct, or as the Mayor, or in his absence the Recorder shall direct and appoint. The Mayor, when present, shall preside at all meetings of the common council, but shall have no vote. In his absence any one of the Aldermen may be appointed to preside and during the vacancy in the office of Mayor or whenever he shall be absent from the city or be prevented by sickness or other cause from attending to the duties of his office, shall possess all the powers and perform all the duties of Mayor of said city.

SEC. 21. The Common Council shall meet annually, at such place as they may appoint, on the second Tuesday in April, and by ballot appoint a treasurer, and attorney for the city, street commissioner, one high constable, one or more police constables, clerk of the market, one or more collectors, one or more pound masters, porters, carriers, cartmen, packers, bell-men, sextons, common cryers, scavengers, measurers and inspectors of grain; measurers and inspectors of wood, sealers of weights and measures, and guagers. If for any cause, any of the above officers should not be appointed on said day, they may be appointed at any subsequent meeting of a full board of the common council, to hold their office until the second Tuesday in April then next ensuing, unless sooner removed by the said common council.

SEC. 22. The treasurer, street commissioner, and collector or collectors of said city, shall severally, before they enter on the duties of their respective offices, execute a bond to Michigan city, in such sum, and with such sureties as the common council shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account and pay over all moneys received by them respectively, which bonds, with the approval of the common council, thereon, certified by the Recorder, shall be filed in the office of said Recorder of said city.

SEC. 23. Every person appointed to the office of high constable or police constable, in said city, shall, before he enters on the duties of his office, with two or more sureties, to be approved of by the com-

mon council execute in the presence of the recorder of the city, an instrument in writing by which such constable and sureties, shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may become liable to pay by reason or on account of, any precept, execution or distress warrant, which shall be delivered to him for collection. The recorder of the city shall certify the approval of the common council on such instrument and file the same in his office, and a copy of such instrument certified by the recorder under the corporate seal shall be presumptive evidence in all courts of the execution thereof by such constable and his sureties. All actions on any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein, shall have been elected or appointed, and may be brought in the name of the person or persons entitled to the money to be collected by virtue of such instrument.

SEC. 24. The treasurer shall receive all moneys belonging to the city and keep an accurate account of all receipts and expenditures in such manner as the common council shall direct. All moneys drawn from the treasury shall be in pursuance of an order of the common council by warrants signed by the Mayor or presiding officer of the council and countersigned by the Recorder, such warrants shall specify for what purpose the amount specified therein is to be paid; and the Recorder shall keep an accurate account of all orders drawn on the treasury, in a book to be provided for that purpose. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, in each year, a full account of all receipts and expenditures after the date of his last annual report, and also the state of the treasury which account shall be filed in the office of the Recorder.

SEC. 25. It shall be the duty of the common council, at least ten days before the annual election held under this act, in each year, to cause to be published in the public newspapers in said city, a full and correct statement in detail of the receipts and expenditures by the said common council for the contingent expenses of said city from the date of the last annual report published in pursuance of this section to the date of their said reports, and also a distinct statement of the whole amount of money assessed, received and expended, for making and repairing streets, roads, highways and bridges in said city, for the same period; together with such information in their power to furnish as may be necessary to a full understanding of the financial concerns of said city.

SEC. 26. The recorder shall keep the corporate seal and all the papers belonging to said city, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certi-

fied by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced.

SEC. 27. It shall be the duty of the street commissioner to superintend the making of all public improvements ordered by the common council, and to make contracts for the work and materials which may be necessary for the same, and shall be the executive officer to carry into effect the ordinances of the common council as regards the opening, widening and repairing of street, alley, lane, road, highway, wharf or slip within said city, and shall keep accurate accounts of all moneys expended by him in the performance of any work, together with the cause of such expenditure, and to render such account to the common council monthly.

SEC. 28. The common council shall have the power to fix and establish the salary and fees of all officers elected or appointed in pursuance of this act.

SEC. 29. If any person having been an officer in said city shall not within ten days after notification and request deliver to his successor in office all the property, papers and effects of every description in his possession belonging to said city or appertaining to the office he held, he shall forfeit and pay for the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver.

SEC. 30. The common council shall hold stated meetings, and the mayor, or any two aldermen may call special meetings by notice to each of the members of said council, served personally, or left at his usual place of abode. Petitions and remonstrances may be presented to the common council. The common council shall have the management and control of the finances, and of all the property, real and personal, belonging to the corporation, and shall have power within said city to make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations and by-laws for the following purposes:

1. To prevent all obstructions in the waters which are public highways in said city.
2. To prevent and punish forestalling and regrating and to prevent and restrain every kind of fraudulent device and practice.
3. To restrain and prohibit all descriptions of gaming and fraudulent devices in said city.
4. To prohibit the selling of any spirituous liquor or ardent spirits to be drank in the shop, store, grocery, out-house, yard or garden owned by the person selling the same, unless licensed so to do.
5. To forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.
6. To regulate or prohibit the exhibitions of common showmen, and of shows of every kind, or the exhibitions of natural or artificial curiosities, caravans, [or] circuses.

7. To prevent any riot or noise, disturbance or disorderly assemblies.

8. To suppress and restrain disorderly houses and groceries, houses of ill-fame, billiard table, nine or ten pin alleys or tables, and ball alleys, and to authorize the destruction and demolition of all instruments for the purpose of gaming.

9. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or noxious house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

10. To direct the location and direction of all slaughter houses, markets, and houses for storing powder.

11. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns and stables.

12. To prevent horse racing, immoderate riding or driving in the streets.

13. To prevent the incumbering of the streets, side walks, lanes, alleys, wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, fire-wood, or any other substance or materials whatsoever.

14. To regulate and determine the times and places of bathing and swimming in the creek or harbor in said city.

15. To restrain and punish vagrants, mendicants, street beggars and common prostitutes.

16. To restrain and regulate the running at large of cattle, horses, swine, sheep, goats and geese, and to authorize the restraining, impounding and sale of the same for the penalty incurred and costs of proceedings.

17. To prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance.

18. To prohibit any person from bringing, depositing or having within the limits of said city, any dead carcases or other unwholesome substance; and to require the removal or destruction by any person who shall have upon or near his premises any such substance or any putrid or unsound beef, pork, fish, hides or skins of any kind; and on his default to authorize the removal or destruction thereof by some officer of said city.

19. [To prohibit] the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice, having a tendency to annoy persons passing the streets in said city, or to frighten teams and horses within the same.

20. To compel all persons to keep the snow, ice and dirt from the side walks in front of the premises owned or occupied by them.

21. To prevent the ringing of bells, blowing of horns and bugles and crying of goods or other things within the limits of said city.

22. To abate and remove nuisances.

23. To regulate and restrain runners for boats and stages.

24. To survey the boundaries of said city.

25. To regulate the burial of the dead.

26. To direct the returning and keeping bills of mortality and to impose penalties on physicians, sextons and others for any default in the premises.

27. To regulate gauging, the place and manner of selling and weighing hay, of selling pickled and other fish, and of selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

28. To appoint watchmen, and prescribe their powers and duties.

29. To regulate cartmen and cartage.

30. To regulate the police of said city.

31. To regulate the quality of bread, and to provide for the seizure or forfeiture of bread baked contrary thereto.

32. To establish, make and regulate public pumps, wells, cisterns and reservoirs, and to prevent the unnecessary waste of water.

33. To establish and regulate public pounds.

34. To prevent the firing of guns and pistols and all fireworks within said city.

SEC. 31. The common council shall have power from time to time to prescribe the duties of all officers and persons appointed by them to any office or place whatever, subject to the provisions of this act, and may remove all such officers and persons at pleasure.

SEC. 32. The common council may make publish, ordain, amend and repeal all such ordinances, by-laws and police regulations not contrary to the laws of this state for the good government and order of said city, and the trade and commerce thereof, and as may be necessary to carry into effect the powers given to said council by this act; and enforce observance to all rules, ordinances, by-laws, and police regulations, made in pursuance of this act; by imposing penalties on any person violating the same, not exceeding twenty-five dollars for any one offence, to be recovered with costs in an action of debt, in any court having cognizance thereof. Every such ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall after the passage thereof, be published for three weeks successively in the corporation newspaper, printed and published in said city, and proof of such publication by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths, and filed with the recorder of said city, or on other competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law in all courts and places.

SEC. 33. The common council at their first meeting, after the annual election in each year, or within ten days thereafter, [shall] designate one public newspaper printed in said city, in which shall be

published all ordinances and other matter and proceedings required in any case by this act, or the by-laws or ordinances of the common council, to be published in a public newspaper.

SEC. 34. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by laws or police regulations made in pursuance of it shall be brought in the corporate name, and in any such action, it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of this act or the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may plead the general issue and give the special matter in evidence. The first progress [process] in any such action, shall be by capias or warrant and execution may be issued immediately on the rendition of judgment, if the defendant in any such action, have no goods or chattles, land or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of LaPorte county for a term not exceeding thirty days. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture shall be defrayed by the corporation; and all penalties and forfeitures when collected, shall be paid to the treasurer for the use of said city.

SEC. 35. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in Michigan city in any action or proceeding in which the said city is a party or interested.

SEC. 36. The common council shall have power to lay out, make and open streets, alleys, lanes, highways, wharves and ships in said city; and to alter, widen, contract, straighten, or discontinue the same, but no building exceeding the value of one thousand dollars shall be removed, in whole or in part without the consent of the owner. They shall cause all streets, alleys, lanes or highways laid out by them to be surveyed, described and recorded in a book to be kept by the recorder, and the same when opened and made shall be a public highway. Whenever any street, alley, lane, highway, wharf or slip is laid out, altered, widened, or straightened by virtue of this section, the common council shall give notice of their intention to take and appropriate the land necessary for the same to the owner or owners thereof by publishing said notice for at least two weeks in the corporation newspaper printed in said city; and after the expiration of the said two weeks the common council shall give notice to the said owner or owners by publishing the same for at least thirty days in the corporation newspaper, that such owner or owners, may file a notice with the recorder of the city, of a claim for damages on account of appropriating the land of such owner or owners for the uses specified in this section; and if such owner or owners shall within thirty days file or cause to be filed, such notice of a claim for damages as aforesaid with the recorder of the city, the common council shall choose by ballot five discreet and disinterested freeholders re-

siding in said city as commissioners to ascertain and assess the damages and recompence due the owner or owners of such land, and at the same time to determine what persons will be benefitted by such improvement, and to assess the damages and expenses thereof on the real estate of the persons benefitted, in proportion as nearly as may be to the benefit resulting to each, including those claiming damage. A majority of all the aldermen authorized by law to be elected shall be necessary to constitute a choice of such commissioners. The commissioners shall be sworn by the mayor or any justice of the peace in said city, faithfully and impartially to execute their duty in making such assessment according to the best of their ability. The commissioners shall view the premises and in their discretion receive any legal evidence, and may if necessary, adjourn from day to day. The commissioners shall before they enter upon the duties assigned them by this section give notice to the persons interested of the time and place of meeting of the said commissioners for the purpose of viewing the premises and of making such assessment, at least five days before the time of such meeting, by publishing such notice in the corporation newspaper printed in said city. The said commissioners shall determine and award to the owner or owners of such land, such damages as they shall judge such owner or owners to sustain in consequence of such street, lane, alley, highway, wharf or slip having been laid out, altered, widened or straightened, after taking into consideration and making due allowance for any benefit which said owner or owners may derive from such improvement. The said commissioners shall at the same time assess and apportion the said damages and expenses of such improvement on the real estate benefitted thereby as nearly as may be, in proportion to the benefits resulting therefrom: and shall describe the real estate on which any assessment is made under this section, and file the same in the recorder's office. If there be any building on any land taken for such improvement the owner thereof shall have ten days, or such time as the common council may allow after the final assessment of the commissioners is returned to and confirmed by the common council to remove the same. And in case such owner removes such building, the value thereof to the owner to remove shall be deducted from the amount of damages awarded to the owner thereof, and such value shall be, at the time of assessment, determined by the commissioners. The determination and assessment of the commissioners shall be returned in writing signed by all the commissioners to the common council within thirty days after their appointment by the said common council as aforesaid. The common council may, if sufficient objections are made to the appointment of any of the said commissioners or if any of said commissioners shall be unable to serve by reason of sickness or any other cause, appoint other commissioners to serve in their places in the manner as is herein provided. And the said common council after the determination and as-

essment of the commissioners as aforesaid is returned to them shall give two weeks notice in the corporation newspaper printed in said city, that such determination and assessment of the commissioners will on a day to be specified in said notice be confirmed by the common council unless objections, by some persons interested are made thereto; all objections to such determination and assessment as aforesaid shall be briefly stated in writing and filed with the recorder. If no objections are made as aforesaid the said determination and assessment shall be confirmed by the common council. If objections are made as aforesaid, any person interested may be heard before the common council touching the said determination and assessment of the commissioners, on the day specified in the aforesaid notice, or on such other day or days as the common council shall for that purpose appoint, and the said common council on consideration of the objections made, shall have power in their discretion to confirm such determination and assessment of the commissioners or to annul the same. And in case the common council shall annul the same then all the proceedings had in the premises shall be null and void. But nothing herein contained shall authorize the said common council to discontinue or contract any street or highway or any part thereof without the consent in writing of all persons owning land adjoining such street or highway.

SEC. 37. The common council shall have power to cause any street, lane, alley, or highway, in said city to be graded, leveled, paved, repaired, M'Adamized, or gravelled, and to cause cross and side walks, drains, sewers, and aqueducts to be constructed and made in said city, and to cause any sidewalks or drains, sewers and aqueducts to be relaid, amended and repaired, and to cause the expenses of all improvements (except side walks,) made and directed under this section to be assessed upon the real estate in said city, deemed benefited by such improvement in proportion to the benefits resulting thereto, as nearly as may be. The common council shall determine the amount to be assessed for all improvements to be made or directed under this section except side walks, and shall appoint by a majority of all the aldermen authorized by law to be elected, five reputable freeholders of said city, by ballot, to make such assessment.

The Assessors shall be sworn before the Mayor or any Justice of the Peace in said city, faithfully and impartially to execute their duty, as such assessors, according to the best of their ability.

And before entering upon the duties assigned them by this section, the assessors shall give notice to all persons interested of the time and place of the meeting of the said assessors, at least five days before the time of such meeting, by publishing such notice in the corporation newspaper printed in said city; and they may if necessary adjourn from day to day. The assessors shall assess the amount directed by the common council to be assessed for

any such improvement, on the real estate deemed by them to be benefited thereby, in proportion to the benefit resulting thereto as nearly as may be. And the said assessors shall briefly describe in the assessment roll to be made by them, the real estate on, or in respect of which assessment is made under this section. When the assessment is completed, they shall give notice and also publish the same in the corporation newspaper, and have the same power to make corrections as in case of the assessment of taxes. They shall deliver a corrected copy of the assessment roll signed by all the assessors to the Recorder of the city, to be filed within sixty days after their appointment as aforesaid. Any person interested, may appeal to the common council for the correction of the assessment. Such appeal shall be in writing, and shall be delivered to the recorder or presiding officer of the common council within ten days after the corrected copy of the assessment roll is filed with the recorder. In case of appeal, the common council shall appoint a time within ten days thereafter, for the hearing of those who are interested, and shall cause a notice to be published in the corporation newspaper, designating the time and place and object of hearing, and they may adjourn said hearing from time to time, as may be necessary. And the common council shall in case of appeal as aforesaid, have power in their discretion to confirm such assessment, or to [set aside] the same, and direct a new assessment to be made, in the manner herein before directed by the same assessors, or by five other assessors to be appointed as aforesaid by the common council, and sworn as aforesaid, which shall be final and conclusive on all parties interested, in case the common council shall confirm the same, but if the common council set aside the last aforesaid assessment, all the proceedings in relation to the grading, leveling, paving repairing, M'Adamizing or graveling such street, alley, lane or highway, in said city, shall be null and void. If the first assessment to be made and confirmed under this or preceding sections, proves insufficient, the common council may cause another to be made in the same manner. If too large an amount shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

The Assessors may, if in their opinion any owner or owners of land situate on such street, alley, lane or highway as shall be gravelled, or leveled, will sustain damages over and above the benefit which may accrue to the owner or owners of such land, by such improvement, assess such amount, as they may deem reasonable, as a recompense to such owner or owners therefor, on the real estate in said city deemed by them to be benefited by such improvement in proportion to the benefits resulting thereto as nearly as may be; and the said assessors may add said amount to the assessment roll, which they are hereby required to make, and certify the said amount to the common council, at the time of filing said roll with the recorder as aforesaid. If any vacancy shall happen in the office of assessors, for any of the causes mentioned in the next preceding

section, the same shall be filled by the common council in the manner therein provided.

SEC. 38. The common council shall have power to cause a sum in each year not exceeding eight thousand dollars, to be raised by tax, to defray the expenses of lighting the streets, supporting a night watch and making and repairing roads, highways and bridges in said city and to defray the contingent and other expenses of said city. The taxes assessed and levied in pursuance of this section, shall be levied on the real and personal estate in said city, as is hereinafter mentioned. The Assessors shall, on or before the first Tuesday in June, in each and every year, deliver to the Recorder their assessment roll, on which the names of all the citizens of said city, subject to taxation, shall be written, at the end of each name shall be set down in figures, the value of each lot or piece of land, that such person owns in said city, in one column, and in another column, in figures, the value of his or her personal estate, designating non resident lots, or pieces of land, by proper boundaries, and the value thereof. In valuing all real estate, the worth in ready money, or the amount for which it would be received in payment of a bona fide debt, shall be considered the value thereof. In estimating personal property, the said assessors shall take an account of all such household furniture as they shall be directed by the common council which shall be uniform through the city, and of uniform value from which amount they shall deduct one hundred dollars, if it amounts to that sum, the residue only to be taxed, all horses over three years old, all neat cattle over two years old, brass and wooden clocks in use, gold, silver and composition watches, pleasure carriages and harness, shall be subject to taxation, and such other articles as the common council, shall by an ordinance direct. Also all bank stock, or stock in any incorporated company, who make semi-annual, or annual dividends, all bonds, notes, or other evidence of debt drawing interest, shall be subject to taxation, the said assessors shall, on or before the 20th day of May, in each year, visit every house in their respective districts in person, and ascertain from actual inspection, and the best information they can get, the value of all real estate, in their respective districts, and obtain from the inhabitants subject to taxation, the amount of their personal estate, if the said assessor shall mistrust or suspect that any person subject to taxation, secretes or conceals any of his effects subject to taxation, or any stocks or money at interest, shall have the power to administer to him an oath that the statement made by him of his property is true, false swearing in the premises, shall be adjudged wilful and corrupt perjury, and punished accordingly. If any person refusing to swear, the said assessor shall put down on his assessment roll, such amount as he from the best information that he can obtain, shall think to be just and right. The said assessors shall meet annually at such place within said city as may be agreed upon by them sometime between the twentieth of May and the

first of June in each year, and compare their respective assessment rolls, and equalize the valuation thereof as near as may be, and enter them on one roll or book alphabetically with the value of real and personal estates of all the inhabitants of said city subject to taxation. No property belonging to the United States, or the State of Indiana, within said city, or public property belonging to the corporation, shall be taxed under this section. In the assessment roll made under this section, all persons who would be liable to work on highways if they reside in any of the towns in this state, shall be enumerated on said roll, although not taxed, and the common council shall tax each one so enumerated, one dollar to be laid out on roads and bridges in said city. It shall also be the duty of said assessors, to take an account of the dogs running at large in said city and by whom owned, said assessment roll when completed, shall, on or before the first Tuesday in June, in each year be filed in the office of the recorder of said city. The common council shall cause an equalization of the tax so ordered as aforesaid to be made on the assessment roll according to the valuation of the real and personal estate there set down—make a fair copy thereof, and deliver the same to the collector, on or before the first day of October in each year, with a warrant attached thereto, under the corporate seal, and signed by the Mayor or person acting as such, directing said collector, to collect from each of the persons named on such tax list, the several sums set opposite their respective names, and if not paid by the first day of November, then next ensuing, make the same of the goods and chattles, by distress and sale, giving the same notice as is required by law of constables to do, on sale by execution from justice's court and to sell the same accordingly. It shall be the duty of said collector to return the said tax list, and money collected by him to the treasurer of said city, on or before the first Tuesday in November in each year. It shall be the duty of said collector to call at the residence of each person named on his tax list, at least once before attaching his or her goods and chattles; if no goods can be found whereon to levy, the Mayor may renew said warrant, and the collector proceed as aforesaid, and return said warrant within thirty days after receiving the same with the money if collected.

SEC. 39. All non-resident lands, and all other lands within said city on which a tax authorized by this act shall remain due six months after the time it ought to have been paid, it shall be the duty of the Treasurer to give public notice thereof to the owners by publishing in the corporation newspaper for at least six weeks describing said lands as near as practicable, and amount of tax and stating that unless the owner thereof shall within three months from the time of giving such notice pay to the Treasurer said tax with the interest and costs of advertising, the same will be leased to the person who will take it for the least number of years, and pay

the tax, interest and costs, and for that purpose shall be offered at vendue, of which vendue the treasurer shall give two weeks notice in the corporation newspaper, on receiving the tax, interest and costs, the said treasurer shall give to the purchaser or lessee, a certificate stating the amount of money paid and describing the land as near as practicable subject to redemption for two years by the owners paying the purchaser or the treasurer the amount paid, together with an interest of twenty per centum per annum, which certificate shall be countersigned by the recorder.

SEC. 40. If the owner or owners of land sold or leased for tax as aforesaid shall refuse or neglect to redeem said lands for the space of two years, it shall then be lawful for the mayor, and he is hereby required to make out a lease in due form to the person entitled thereto for the time specified in such certificate, and to his heirs and assigns; which lease shall be signed by said mayor, and countersigned by the recorder with the corporate seal attached, which shall vest the title to said land in said lessee, his heirs and assigns for the time therein specified and all buildings that may be put on said premises may be removed off before the termination of said lease.

SEC. 41. That the said common council shall, and are hereby authorized and required to appoint annually three commissioners as a board of health for said city, and the mayor of said city, or presiding officer of the common council shall be president of said board, and the recorder of said city shall be clerk of said board, and shall keep minutes of the proceedings thereof. The said common council shall also at their pleasure appoint a health physician, and as often as the office shall become vacant, and may remove him at pleasure, whose duty it shall be to visit every sick person, who may be reported to the board of health as hereinafter provided, and to report with all convenient speed his opinion of the sickness of said person to the clerk of the board of health, and it shall be the duty of said physician to visit and inspect at the request of the president of said board all boats and vessels running to, or being at the wharves, landing places or shores in said city, which are suspected of having on board any pestilential or infectious disease, and all stores or buildings which are suspected to contain unsound provisions, or damaged hides or other articles, and to make report of the state of the same with all convenient speed to the clerk of the board of health.

SEC. 42. In case any boat or vessel shall be at or near any of the wharves, shores or landing places in said city, and the said board of health shall believe that such boat or vessel is dangerous to the inhabitants of the said city, in consequence of their bringing and spreading any pestilential or infectious disease among said inhabitants, or having just cause to suspect, or believe that if the said boat or vessel is suffered to remain at or near the said wharves, shores or landing places, it will be the cause of spreading among the inhabitants any pestilential or infectious disease, that it shall be lawful for the said board by an order in writing signed by the president

for the time being, to order such boat or vessel to any distance from said wharves, shores or landing places not exceeding three miles beyond the bounds of said city within six hours after the delivery of such order to the owner, master or consignee of said boat or vessel. And if the master, owner or consignee to whom such order shall be delivered shall neglect or refuse to comply therewith, the said president may enforce such removal, and said master, owner, or consignee shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding three months in the jail in LaPorte county by any court having cognizance thereof; the said fine when paid to be applied by the said board to the support of the treasury of Michigan city.

SEC. 43. Every person practising physic in the said city who shall have a patient laboring under any malignant, or yellow fever, cholera, or other infectious, or pestilential disease shall forthwith make report thereof in writing to the clerk of said board of health, and for neglecting so to do shall be considered guilty of a misdemeanor and liable to a fine of fifty dollars to be sued for and recovered in an action of debt, in any court having cognizance thereof with costs, for the use of the treasury of said city.

SEC. 44. All persons in the city not being residents thereof who shall be infected with any infectious or pestilential disease, and all things within the said city, which in the opinion of the said board shall be infected by, or tainted with pestilential matter, and ought to be removed, so as not to endanger the health of said city, shall by order of the said board of health be removed to some proper place not exceeding three miles beyond the bounds of said city, to be provided by the said board at the expense of said city, and the said board may order any furniture or wearing apparel to be destroyed whenever they may judge it necessary for the health of said city.

SEC. 45. The said common council shall have power to appoint and remove at pleasure one or more harbor masters in said city, who shall have power upon the application of the master, owner, or consignee of any ship, boat, or vessel in said city, to regulate and order all ships, boats or vessels lying at any of the wharves or landing places, or in the waters of said city, and to remove from time to time, such ships, boats or vessels as are not employed in receiving or discharging their cargoes or passengers, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes or passengers; and if any master or other person having charge of any such boat or vessel shall refuse or neglect to obey the directions of such harbor master in the premises, he or they shall forfeit fifty dollars to be recovered in an action of debt with costs for the use of said city. The said harbor master shall recover from the master, owner or consignee of every ship, boat, or vessel adjudged by him to be in default for his compensation in the premises the sum

of one dollar if the ship, boat or vessel so adjudged to be in default is of the burden of twenty tons or upwards, and fifty cents if under twenty tons.

SEC. 46. All the estate real or personal including all public grounds and squares belonging to Michigan city in common, shall be, and is hereby declared to vest in Michigan city.

SEC. 47. The common council shall have power to establish and regulate a market or markets in said city, and to restrain and regulate the sale of fresh meat and vegetables in said city, to restrain and punish the forestalling of poultry, fruits and eggs and to license under the hand and seal of the mayor annually, such, and so many butchers as they shall deem necessary and proper, and to revoke such license for any infraction of the by-laws and ordinances of the common council, or other mal conduct of such butchers in the course of their trade.

SEC. 48. The common council shall have power to regulate the construction of chimneys, so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys; and to prevent chimney sweeps from sweeping unless licensed as they shall direct; to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places and to appoint one or more officers to enter into all buildings and inclosures to discover whether the same are in a safe condition or dangerous state, and to cause such as are dangerous to be put in safe condition. To require the inhabitants of said city to provide so many fire buckets, and in such manner and time as they shall prescribe, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires and to prevent the use of fireworks and fire arms in the streets, to compel the owners and occupants of houses and other buildings to have scuttles in the roofs, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens or other officers of said city to keep away from the vicinity of any fire, all idle and suspicious persons and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention or extinguishment of fires as the common council may deem expedient.

SEC. 49. The common council shall procure fire engines and other apparatus used for the extinguishment of fires and have charge and control of the same, and provide fit and secure engine houses, and other places for keeping and preserving the same all at the expense of said city, and shall have power to organize fire, hook, hose and ladder companies, also axe companies, to appoint during their pleasure, a chief engineer and two assistant engineers of the fire &c.

partment and a competent number of able and reputable inhabitants of said city, firemen, to take the care and management of the engines, and other apparatus and implements used or provided for the extinguishment of fires, to prescribe the duties of firemen, and to make rules and regulations for their government, and to impose such reasonable fines and forfeitures upon said firemen for a violation of the same as the said council may deem proper. And for incapacity, neglect of duty or misconduct, to remove them and appoint others in their places.

SEC. 50. The members of the common council shall be fire wardens, and shall have power to appoint such other fire wardens as they may deem necessary.

SEC. 51. The firemen appointed by virtue of this act, shall, during the time of their service as such, be exempt from serving on juries in all courts, and in the militia, except in case of war, invasion or insurrection. The name of each person appointed a fireman shall be registered with the recorder of said city, and the evidence to entitle him to exemption shall be the certificate of the recorder, made within a year in which the exemption is claimed.

SEC. 52. Every fireman who shall have faithfully served as such in said city for the term of ten years, shall be thereafter exempt from serving on juries in all courts or in the militia, except in case of war, invasion, or insurrection, and the evidence to entitle such person to the exemption as is provided in this section, shall be a certificate under the corporate seal, signed by the mayor and recorder.

SEC. 53. That all that portion of Trail creek from its mouth to the contemplated basin of a canal which is about to be made is hereby declared a public highway.

SEC. 54. Any person interested may appeal from any order of the common council for laying out, opening, making or widening any street, alley, lane, highway, wharf or slip to the circuit court of the county of Laporte by notice in writing delivered to the mayor or recorder of the city at any time before the expiration of twenty days after the passage of the ordinance therefor by the common council. The only ground of appeal shall be the want of conformity in the proceedings to this act. The propriety or utility of the street, alley, lane, highway, wharf or slip, or other improvements, or the correctness of the assessments of damages, if made in conformity to this act shall not constitute a ground of appeal. In case of appeal the common council shall make return within twenty days after notice thereof to the clerk of said court, and filed in his office, and the circuit court shall at the next term thereafter proceed to hear and determine the appeal and shall confirm or annul the proceedings of the common council.

SEC. 55. The land required to be taken for the making, opening or widening any street, alley, lane, highway, wharf or slip in said city, shall not be taken and appropriated by the common council until the damages therefor, assessed and awarded to any owner

under this act, shall be paid or tendered to such owner or his agent or legal representatives, or in case such owner cannot be found in said city shall be deposited with the treasurer of said city for the use of such owner; and then, and in such case, and not before such land may be taken for the uses aforesaid.

SEC. 56. When any known owner residing in said city, or elsewhere shall be an infant and proceedings shall be had under this act, the circuit court, or any judge thereof, at his chambers may upon the application of the common council, or such infant, or his next friend appoint a guardian for such infant, taking security from such guardian for the faithful execution of his trust; and all notice and summonses required shall be served on such guardian. It shall be the duty of such guardian to see that the rights of such infants are protected.

SEC. 57. All owners or occupants, in front of whose premises the common council shall direct side walks to be constructed or repaired shall make or repair such side walks at their own costs and charges; but if not done in the manner, and of the materials, and within the time prescribed by the common council, the said council may cause them to be constructed, and assess the expenses thereof, upon such lots respectively, and collect the same in the manner directed by this act, and such assessments shall be a lien upon such lots in like manner as assessment under the — section of this act.

AN ACT to incorporate the town of Rome in Perry county.

(APPROVED FEBRUARY 1, 1836.)

CHAPTER IV.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana,

That Lewis Taylor, William Baker, Samuel Anderson, Sen. Presley Hall, Samuel Frisbie, John C. Reiley, Shubal C. Little and George Ewing, be, and they are hereby appointed Trustees of the Town of Rome, in the county of Perry, to serve as such, until the first Monday in September next, and until their successors are elected, and qualified as hereinafter directed.

SEC. 2. That the said trustees at their first meeting which shall be on the first Monday in March, April, or May, after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of their board and preserve order, put questions and upon an equal division of the board, give the casting vote, and at the close of each meeting, sign the minutes of the same.

SEC. 3. That the said president and trustees and their successors in office shall be and are hereby declared to be a body politic and corporate with perpetual succession by the name and style of "The

President and Trustees of the town of Rome, and by their corporate name shall be able and capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction and shall have power to make and use a common seal, and the same to break, alter or amend at pleasure; to ordain order establish and put into execution and effect, such by-laws, rules and ordinances as may be necessary and proper for the benefit and convenience of the citizens of said town, and shall also have power to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police, good government and order of said town hereby incorporated, not inconsistent with the constitution and laws of the state, or the constitution and laws of the United States.

SEC. 4. On the first Monday in September, one thousand eight hundred and thirty-six, and on the first Monday in September annually thereafter, there shall be an election held at some convenient place in said town, to elect by ballot five trustees, of which election the trustees or a majority of them shall give ten days previous notice by written advertisement against the court house door, and from thenceforth there shall only be five. And if from any cause an election is not held on the first Monday in September of any year then it shall be lawful to hold such election on any Monday thereafter in the same year: the trustees then incumbent giving ten days previous notice thereof by written advertisement against the court-house door; and a majority of said trustees shall form a quorum, and shall be competent to transact all necessary business at such elections. Each white male inhabitant of said corporation, a citizen of the United States, and twenty-one years of age, who shall have the qualifications of a voter for state officers, and shall have resided within the bounds of said corporation six months next preceding such election, shall have a right to vote.

SEC. 5. The president of the corporation shall act as inspector of such election; and shall call to his assistance two other qualified electors, who with himself shall be judges of the election. They shall appoint a clerk and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees between the hours of ten o'clock, A. M. and four o'clock P. M. on said days. *Provided however*, if the president should not be present, the qualified voters shall, in that case, choose one to act in his place at such election. It shall be the duty of the judges of such election to certify under their hands and seals the names of the five persons who shall have received the highest number of votes; which certificate shall be filed and spread on the record of said corporation by their clerk, whose duty it shall be to deliver a copy of the same to each of the five persons, returned, which certificate shall be sufficient authority for such person to take his seat as trustee.

SEC. 6. The trustees thus elected, or a majority of them shall

meet, and after taking an oath or affirmation to faithfully, diligently and impartially discharge their duties as trustees, shall elect one of their own body to preside as president at their meetings; but in case of his absence, a president pro tem. may be appointed. No person shall be eligible to the office of trustee unless he is a freeholder, and a qualified voter, within the bounds of said corporation. When vacancies occur they shall be filled by the appointment of the board of trustees, until the next annual election. A majority shall, at all times form a quorum. They shall meet on their own adjournment; shall appoint all offices necessary to carry into effect the provisions of this act, and make such compensation for their services as to them may appear reasonable; and it shall be the duty of the president to sign the records of all their by-laws, and journals or minutes of their proceedings, which shall also be attested by their clerk; and after a copy thereof of a public nature, attested by the clerk, with the seal of the corporation shall have been posted up in three public places in said corporation, ten days, such laws and ordinances shall be deemed to be in force, all others to be in force from and after their passage, being signed as aforesaid.

SEC. 7. At the first meeting of the president and trustees, after their election in each year, or as soon thereafter as may be convenient, they shall proceed to elect a clerk, treasurer, assessor and marshal, each of whom shall serve one year, and until their successors shall be chosen and qualified. They shall possess the same qualifications as trustees;—take similar oaths and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any part of the conditions of said bond, they shall be liable to pay to the president and trustees aforesaid, the full amount in arrear, together with full costs and ten per cent. damages thereon, and six per cent. per annum, upon the whole amount recovered from the time the same should have been paid over, until the day of payment; all which may be recovered by motion made before the circuit court, ten days previous notice having been given of such intended motion; and for all which, such court is required to give judgment against such officer, unless he show good cause to the court why judgment should not be rendered against him; and upon which judgment execution may issue, returnable within thirty days from the date thereof, without any stay thereon; or on failure to perform all or any part of the conditions of said bonds, the principals and securities, or any two or more, or either of them, shall be proceeded against by suit in said court, upon his official bond; judgment to be had thereon for the debt, damages interest and cost above mentioned, upon which execution shall issue returnable as aforesaid.

SEC. 8. The President and trustees shall have full power to assess and collect a tax on real property, not to exceed one half per cent. on its valuation, exclusive of imprisonment on such property; or any specific article of personal property; a poll tax on each qualified

voter, not exceeding thirty-seven and a half cents; on all shows exhibitions, or amusements which may be exhibited or performed for gain, which in the opinion of the corporation are demoralizing to society, or calculated to detract from the peace and good order thereof. And in assessing and collecting the annual revenue under the direction of the president and trustees, all assessors and collectors shall be, in all respects governed by the laws which now or may be in force hereafter, regulating the assessment and collection of the state and county revenue, except that the marshal shall make his return to the precept for the collection of the annual revenue to the president and trustees.

SEC. 9. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he is absent, sick or interested in the same, in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according to the duplicate of the assessment roll. In the service of such process and in the collection of taxes, whether by distress and sale, or otherwise, the marshal shall be governed by the same rules and regulations as sheriffs, collectors and constables are directed to observe in similar cases. And in all cases of distress and sale by the marshal of the real or personal property, on process directed to him by the president for the collection of taxes; such sale shall be as valid in law and equity, as if the same had been made by a sheriff, constable, or collector, and all certificates and deeds given for the sale of real estate, shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

SEC. 10. The president and trustees shall have power to make and enforce all necessary by-laws, ordinances, and regulations to preserve order, regulate and establish markets, to sink and keep in repair, public wells; to prevent the erection of public nuisances, or impose a fine upon any person for suffering the same to remain on their lots, and shall have power to remove the same, and to declare what shall be considered a public nuisance; and for this purpose may extend the jurisdiction one half mile beyond the limits of said town; and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town; and the bounds of said corporation shall extend to the limits of the town plat as it now is or hereafter may be entered on record in the recorder's office of said county of Perry.

SEC. 11. The president shall have power to issue, under the seal of the president and trustees, and the marshal to serve process in any manner relating to any violations of the laws and ordinances of the president and trustees, and to carry the same into as full effect for any violation thereof, as justices of the peace and constables have now or may hereafter have to carry into effect any process issued by virtue of any law of this State, and shall be entitled to receive, and authorized to demand and collect the same fees that are or shall be

allowed to justices of the peace and constables for performing similar services. And the president, when officiating as authorized in this section, shall keep a record of his proceedings; which record or a copy thereof, certified by him with his private seal, duly attested, shall be evidence in any court.

Sec. 12. It shall be the duty of the keeper of the jail of Perry county to receive into his custody any prisoner or prisoners who may from time to time be committed to his charge under the authority of said president, and to safely keep every such prisoner according to the warrant or precept of commitment, until he, she, or they shall be discharged by due course of law.

Sec. 13. The marshal shall be the collector of all the levies of said corporation of what nature soever. He shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowledge.

Sec. 14. The annual assessors shall, at or before the second meeting of the president and trustees in May, make out a correct roll of the names of all the persons and property or species thereof assessed, arranged in alphabetical order, and deliver the same to said president and trustees if in session, or to the clerk if in recess. And said clerk shall, within ten days after such meeting, make out and deliver to the marshal a copy thereof, with the amount of taxes annexed to each person's name respectively, and also a precept in the name of the president and trustees authorizing him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue are directed to proceed by virtue of precepts issued and directed to them by the clerk of the circuit court.

Sec. 15. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than one quart at a time, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her or their paying into the treasury of the corporation five dollars. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they so offending, shall, upon conviction thereof, upon presentment or indictment or otherwise before any court having competent jurisdiction thereof, be fined in any sum not exceeding fifty dollars, for the use of the county seminary in said county. And for the better regulation, peace and good government of the town the corporation is hereby authorized to pass and adopt laws, or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society.

Sec. 16. The boundaries of said town of Rome, as bordering on

the Ohio river, shall be, and are hereby extended down to the very lowest water-mark of said river; and any person retailing foreign merchandize at the landing thereof, shall pay to the marshal of said town, for the benefit of said corporation, the sum of two dollars and fifty cents; and the marshal's receipt therefor shall be sufficient authority for the person procuring the same to retail foreign merchandize at said landing for ten days immediately succeeding the date of such receipt, and no longer. And upon the failure or refusal of such person to pay to the marshal the sum above required for liberty to retail foreign merchandize as above provided, then the marshal shall immediately procure from the president of the corporation a proper process to forthwith enforce the collection of the above tax and such costs as may accrue by the action before the president, who is hereby authorized to try the same, and to issue all necessary process to enforce the collection of his judgment.

Sec. 17. No person shall by himself or another, show, parade, or exhibit, for the purpose of show or stand, a stud horse within the limits of said town, under a penalty of five dollars, for each day, to be paid to the President and trustees thereof for the benefit of the corporation. And any person who shall ride unusually fast in the streets thereof, shall be subject to a fine by the board of trustees, of any sum not exceeding five dollars for each offence.

Sec. 18. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

AN ACT entitled An Act respecting the Borough of Vincennes.

(APPROVED JANUARY 27, 1836.)

CHAPTER V.

Whereas it has been represented that the present Charter and its amendments of the Borough of Vincennes are inadequate to the good government of the same, and it appearing that the citizens of said Borough are desirous for a new or amended Charter for the better regulation thereof, wherefore—

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the President and Board of Trustees of the Borough of Vincennes, shall be, and the same are declared a body corporate and politic by the name and style of "The President and Trustees of the Borough of Vincennes," and by that corporate name shall be aable and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court of competent jurisdiction, to make use and have a com-

mon seal, and the same to break, alter and amend at pleasure, to ordain, order, establish and put into execution, such by-laws and rules as they shall deem proper and necessary for the convenience of said Corporation, and also adopt and put in force, such laws, ordinances and regulations, as they shall deem necessary for the police and good government of said Borough subject to the restrictions, limitations and provisions hereinafter provided; and not inconsistent with the constitution and laws of this state, or of the Constitution of the United States.

SEC. 2. On the last Monday in March, one thousand eight hundred and thirty-six, and on the first Monday of February, annually thereafter, there shall be an election held at the Court House or such other public building in said Borough that may hereafter be erected, convenient for said purpose, to elect by ballot, a President and Trustees, the President to be chosen by the qualified electors from the Borough at large, and two Trustees from each ward by the electors of each respective ward, at which election, each white male citizen of said Borough of twenty-one years and upwards, being either freeholders or householders in said borough, shall be entitled to vote in said election, twenty days notice being given of said elections, after the first elections by the President and Trustees, by publishing the same in a newspaper published in said Borough, and in case there be none, by posting notices in three of the most public places in said Borough.

SEC. 3. The President of the Borough shall after the first election, act as inspector of elections; he shall call to his assistance four other qualified voters, one from each ward, who with himself, shall be judges of the elections; they shall appoint a Clerk, and having taken an oath or affirmation faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for President and Trustees between the hours of 10 o'clock A. M. and 3 o'clock, P. M. on said days. *Provided, however,* if the President should not be present, the qualified voters present shall in that case, choose one of their number to act in his place at such election. *And provided also,* that if the electors should fail to meet and elect Trustees and a President at any annual election, the corporation thereby shall not be dissolved, but the President and Trustees then in office, shall so continue until others are elected at an annual meeting of the electors. It shall be the duty of the judges of such election, to certify under their hands and seals, the names of the persons who shall have received the highest number of votes for Trustees, designating therein the respective wards they are elected to represent, and also the name of the person who has received the highest number of votes for President, which certificate shall be filed and spread on the records of said corporation by their clerk, whose duty it shall be to deliver a copy thereof to each of the persons elected Trustees, and a copy to the President elect, which certificate shall be sufficient authority for such person to take his seat as Trustee or President.

SEC. 4. The President and Trustees thus elected, or a majority of them, shall meet and take an oath or affirmation, faithfully, diligently and impartially, to discharge their several duties as Trustees and President. No person shall be eligible to the office of Trustee or President, unless he be a qualified elector, and a freeholder within the bounds of said borough. When vacancies occur in the offices of said corporation by death or otherwise, they shall be filled by the President and Trustees until the next annual election. A majority of the Trustees shall at all times form a quorum, and the president shall have no vote, save when the trustees are equally divided. They shall meet on their own adjournment, and at such stated periods and places, as they may think proper—shall appoint all the officers necessary to carry into effect the provisions of this act, and make such compensation for services as to them shall appear reasonable and proper; and it shall be the duty of the President to sign the records of all their by-laws and journal, or minutes of their proceedings, which shall also be attested by the Clerk of the corporation, and after a copy thereof of a public nature, attested by the Clerk with the seal of the corporation, shall have been published in a newspaper printed in said borough, if there shall be any, or posted up in three public places within the same, for the space of ten days, such by-laws and ordinances shall be deemed to be in force from and after their publication as aforesaid.

SEC. 5. At the first meeting of the President and Trustees after their election in each year, or as soon thereafter as it may be convenient, they shall proceed to elect a Clerk, Treasurer, Assessor and Marshal, each of whom shall serve one year, and until their successors shall be chosen and qualified. They shall possess the same qualifications as Trustees, take similar oaths, and give bond and security payable to the President and Trustees conditioned for the faithful discharge of their duties respectively, and in case of failure to perform all or any part of the condition of said bond, they shall be liable to pay the President and Trustees aforesaid, the full amount in arrears, together with full costs and ten per cent. damages thereon, and six per cent. per annum, on the whole amount recovered from the time the same should have been paid over until the day of payment, all which may be recovered on motion made before the Circuit Court for the county of Knox, ten days previous notice having been given of such intended motion, and for all which such Court is required to render judgment against such officer, unless he shew cause satisfactory to the Court, why judgment should not be rendered against him, and upon which judgment execution may issue as in other cases, returnable in thirty days from the date thereof, without any stay on the same, or on failure to perform all or any part of the conditions of said bonds, the principals and securities, or any two or more or either one of them shall be proceeded against by suit in said Circuit Court, upon his or their official bond, and judgment be had thereon for the debts, damages, interest and costs.

above mentioned, and such other damages as the Court may award for further and other breaches of the condition of said bond, upon which execution shall issue returnable as aforesaid.

SEC. 6. The President and Trustees shall have full power and authority to assess and collect a tax on such articles of personal property, as they shall think right and proper, having due regard to the value thereof, and in no case exceeding one per cent. per annum on the value of the same, except in cases hereinafter provided, and also a tax on real property not to exceed one per cent. on the valuation, per annum, including improvements, except in case of making improvements hereinafter provided—also on all shows, exhibitions and amusements, which may be exhibited or performed for gain, a tax of not more than twenty-five dollars, nor less than five dollars for each performance or exhibition thereof, and in assessing and collecting the annual and other revenue, under the direction of the President and Trustees, all assessors and collectors shall in all respects be governed by the laws which now are, or may hereafter be in force, regulating the assessment and collection of the state and county revenue, except that the Marshal shall make his return to the precept for the collection of the revenue to the President and Trustees, and shall have power and authority to proceed and sell both real and personal estate for the collection of the same, as is provided in an act regulating the state and county revenue passed and approved January 30th, 1824; and said real estate shall be subject to the like privilege of redemption as is provided in that act.

SEC. 7. It shall be the duty of the President and Trustees to cause an annual exhibit of the receipts of the revenue of the Borough to be made by a publication of the same in some newspaper printed in said Borough.

SEC. 8. It shall be the duty of the Marshal to serve all process and orders directed to him by the President, except he shall be absent, sick, or interested in the same, in which case it shall be the duty of the President to name some fit person for that occasion, who shall have the same authority as the Marshal in like cases, and to collect the taxes according to the duplicate of the assessment roll—in the service of such process and in the collection of taxes, whether by distress and sale or otherwise, the Marshal shall be governed by the same rules and regulations as sheriffs, collectors and constables are directed to observe in similar cases, and in all cases of distress and sale by the Marshal of real or personal property on the process directed to him by the Presidents for the collection of taxes, such sale shall be valid in law and equity, and redeemable according to the provision of the act referred [to] in Sec. 6. of this act.

SEC. 9. The President and Trustees shall, when they may think it expedient, have power to construct docks, piers, wharves, basins or harbours, make, open, widen, straighten, graduate and pave as many streets or roads leading to the river Wabash, or other streets and alleys as they may deem proper within said Borough, for the

public benefit, and at the public expense in manner hereinafter provided—They shall have power to assess at any time when necessary, special taxes for the improvement of any street, side walk or section thereof which may have been made by their direction pursuant to the regulations hereinafter made for that purpose.

SEC. 10. That whenever the owners of lots on any street or section of street shall be desirous of making any improvement on the same by opening, widening, straightening, graduating, grading or paving said streets or side walks thereof, or to improve the landing by a wharf or wharves, or any other improvements, and two thirds of the resident owners of lots on said street or section of street, by themselves or agents, representing two thirds of the whole number of feet owned by resident owners on such street or section of street, shall by petition represent to the corporation plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the President and Trustees to cause the same to be done in the best and most economical manner agreeably to the wishes of the petitioner, and the expense of such improvement shall be assessed and levied on all lots lying on said street or section of street, agreeably to the estimates of the benefits derived from said improvement to all property on said street or streets in such manner as shall be directed by the President and Trustees, and in case of injury or damage being sustained by any lot or part of lot by said improvements, the same shall likewise be estimated and the amount of injury sustained shall be included in the expenses of said improvement, and be paid over to the individual sustaining such injury, in such manner as shall be prescribed by said President and Trustees which assessment and levy for said improvements, from the time of making the same, shall be, and remain, a lien upon said lot or lots or parts thereof, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the Borough to enter such petition on record with the petitioners named, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, as also the damage done to each lot or fraction of lot if any, which list signed by the President and attested by the clerk, shall be sufficient authority for said Marshal to proceed to collect the same, and if the owner or agent of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the Marshal shall proceed to collect the same by the sale of such lot or fraction or so much thereof as will pay the amount so levied, and in such sale, he shall in all respects be governed by the provisions of the act, referred to in the sixth section of this act, and the right of redemption shall be the same as is provided in that act—Provided however, that nothing in this section shall prohibit the President and Trustees from appointing days of sale of lots and parts of lots for taxes levied by virtue of this section.

SEC. 11. The President and Trustees shall also have power to make

and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate and establish markets, and erect suitable buildings therefor, as also for other purposes for the prosperity and convenience of said Borough, to procure the necessary engines and apparatus, to guard against destruction by fire, organize fire companies, preserve and improve public property; regulate the manner of using docks, piers, wharves, basins, and harbours, regulate the rate of wharfage, and to collect the same, to prevent the erection of public nuisances and remove the same, and to declare what shall be considered a public nuisance, and for this purpose may extend their jurisdiction one half mile beyond the limits of the town and in front of said Borough co-extensive with the jurisdiction of the state.

SEC. 12. The bounds of said Borough shall be according to the survey thereof including Harrison's addition, which was filed in the office of the Clerk of the Board of Trustees for the Borough of Vincennes on the 15th day of April, A. D. 1821.

SEC. 13. The President shall have the same power to issue under the seal of the President and Trustees, and the Marshal to serve process in any manner relating to any violations of the laws and ordinances of the President and Trustees, and to carry the same into as full effect, for any violation thereof as Justices of the Peace, and Constables have now or hereafter may have to carry into effect, any process issued by virtue of any law of this state, and shall be entitled to receive and authorized to demand and collect the same fees, that are or shall be allowed to Justices of the Peace, and Constables for performing similar services, and the President when officiating as authorized in this section, shall keep a record, which record or a copy thereof, certified by him with his private seal duly attested, shall be evidence in any court.

SEC. 14. It shall be the duty of the keeper of the jail in Knox County, to receive into his custody any prisoner or prisoners, who may from time to time be committed to his charge, under the authority of said President, and to safely keep such person or persons according to the warrant or precept of commitment until he, she or they shall be discharged by due course of law.

SEC. 15. The Marshal shall be the collector of all the levies of said corporation, whatsoever: he shall be a peace officer, and it shall be his duty to report to the President, all violations and infractions of any of the penal regulations of the corporation, which may come to his knowledge.

SEC. 16. The Assessor or Assessors shall at or before the first meeting of the President and Trustees, in the month of May, annually, make out a correct roll of the names of persons and property or species thereof liable to taxation, arranged and assessed in alphabetical order, and deliver the same to the President and Trustees, if in session, or to their clerk if in recess, and said clerk shall within ten days after such meeting, make out and deliver to the Marshal a copy

thereof, with the amount of taxes annexed to said person's names respectively, and a precept in the name of the President and Trustees, authorizing him to proceed in the collection of the same, in the same manner as collectors of the state and county revenue are directed to proceed by virtue of precepts issued and directed to them by the clerk of the circuit court, with exceptions herein provided for.

SEC. 17. It shall not be lawful for any person or persons within the bounds of said borough to sell by a less quantity than a quart, at any one time, any spirituous liquors foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the Board doing county business, obtain a license from the corporation, and the president with the consent of the Trustees, is hereby authorized to grant the same to such applicant for one year or less, on his, her, or their paying into the Treasury of the corporation, a sum not exceeding fifty dollars, nor less than five dollars at the discretion of the president and trustees, and if any person or persons shall sell any spirituous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they, so offending, shall upon conviction thereof, upon presentment, or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not exceeding one hundred, nor less than twenty-five dollars, for the use of the county seminary of said county, and for the better government, regulation and peace of said Borough. Also, said corporation is hereby authorized, to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting or whatever may detract from the good order of society, and the same to enforce, and all monies arising from fines for any cause whatever, shall be disposed of as above provided.

SEC. 18. That the said borough of Vincennes shall be divided into four wards, the first ward to contain all south-west or below Vigo street, the said ward to comprise all between Vigo and Busseron streets, the third ward to comprise Busseron and Perry streets, and the fourth or upper ward, all between Perry street, and the north east boundary of Harrison's addition; *Provided, however,* it shall be the duty of the President and Trustees at any time after two years from the adoption of this act on the application of any six or more qualified voters in said borough, to order at the next ensuing annual election, that the qualified voters express their wishes by endorsing on their tickets "change" or "no change" and in case a majority are in favor of a change, the President and Trustees shall proceed to increase, decrease or change the limits of the wards, having due regard to the wishes of the petitioners, to the population and extent of said wards; but said alterations shall not take effect until a majority of the qualified voters of said borough, have accepted of the same, at a special election ordered for that purpose, held as other elections, when they shall write on their tickets "accept" or "reject," and in case a majority are in favor of said alterations, the

same shall be from that time in force, and the trustees at the annual election thereafter, shall be elected agreeably to such alterations, two Trustees being elected from each ward.

SEC. 19. That if [at] any time hereafter, the board doing county business, or court invested with power to grant ferries in Knox county, shall deem the establishment of a ferry or ferries at Vincennes necessary or proper, such ferry or ferries shall be granted to the President and Trustees.

SEC. 20. That the plat of said borough of Vincennes, now on file in the office of the clerk of the late board of trustees of the borough of Vincennes, shall be and remain forever an unchangeable regulation of the streets and cross streets of said borough, subject, however, to the provision for the opening, widening, straightening and otherwise improving the same, contained in this act, and that said plat shall be recorded by the Recorder of Knox county, sixty days after the adoption of this act.

SEC. 21. That to carry into effect the provisions of this act, it shall be lawful for any number of qualified voters present at the election to be held pursuant to the second section of this act, to choose four of their number, one from each ward, to act as judges of said elections, who shall appoint some qualified voter to act as clerk. The said judges and clerk being first sworn to discharge their duties faithfully, shall proceed to open the polls at the time and place usual at general elections, and at the close thereof, after counting the votes, shall notify the persons elected, of their several offices, and file a certified copy of the returns in the clerk's office of Knox county.

SEC. 22. This act shall not take effect or become a law until it shall have received the sanction of a majority of the legal voters present, of said borough, in the following manner; any two justices of the peace for Vincennes township, may cause an election to be held at the court-house in Vincennes, first giving three weeks' notice in the newspapers published therein, of the time and place of holding said election, which shall be conducted in the same manner as general elections, and at such election, the voters shall write on their ballots "adopt" or "reject," and if a majority of the votes taken, are in favor of adopting, the judges and clerks of such election shall make out two certificates, one of which shall be filed and recorded in the office of the Recorder of Knox county, and the other in the record book of the former trustees of said borough, whereupon this act shall take effect and become a law, and public notice thereof be given by said justices of the peace, in the newspapers aforesaid; but if at said election, a majority of said voters are not in favor of adopting this act, then, and in that case, it shall be void and not take effect, or become a law.

SEC. 22. That all acts and parts of acts, coming within the purview of this act, are hereby repealed: *Provided however*, nothing herein shall take away, abridge, impair, or in any wise affect the rights, privileges, and immunities, belonging to said borough, whether ac-

quired from the original proprietors thereof by acts of congress of the United States, or by acts of the Territory of Indiana, or State of Indiana, and more especially that nothing herein shall interfere with the right of the borough, to use, controul, and dispose of the commons thereto belonging, and all other property belonging to said borough, in the manner said borough would have been entitled, prior to the adoption of this act.

CHAPTER V.

AN ACT to incorporate the Madison Water and Manufacturing Company.

(APPROVED JANUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Sheets, of the town of Madison together with such other persons who may associate with him for the purpose of supplying the town of Madison, in the county of Jefferson, with water, be, and they are hereby ordained, constituted and declared to be a body politic, and corporate, to be known by the name of the Madison Water and Manufacturing Company, by which name the said John Sheets and associates, and his and their successors and assignees, shall have continual succession, and be entitled to all the privileges and immunities of the laws of this State, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter and change at pleasure, and to be capable of purchasing, holding using and conveying any estate, real or personal, necessary for the use and security of said corporation.

SEC. 2. The capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each, but it shall be lawful for said company to commence business when, and so soon as ten thousand dollars of stock shall have been subscribed for, with that capital to conduct and carry on the same until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein above mentioned.

SEC. 3. Books for subscription of stock shall be opened under the direction of said John Sheets or such other persons as he may appoint in the town of Madison, or any other place he may think proper to direct, and continue open until the necessary amount of stock is subscribed; and whenever it may become necessary for said corporation to increase their capital, the subscription books may be reopened, at such time or place or places, and continue open until the requisite amount is subscribed as said Sheets, his associates or assignees may direct; and said corporation shall have power on their own credit to borrow any sum or sums of money necessary to carry on the work herein contemplated, upon such terms as may be agreed on by the parties.

SEC. 4. Certificates of stock, shall be given to the stockholders, which shall be evidence of the stock held. It shall be signed by the President and countersigned by the Clerk. The stock shall be transferrable on the books of the corporation only, personally, or by agent, or attorney, or by the administrator, executor, trustee or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 5. The stock, property and business of said corporation shall be managed and conducted by three directors, who shall be stockholders, and who shall respectively hold their office for one year, and until their successors shall be chosen and qualified.

SEC. 6. That as soon as ten thousand dollars of stock shall have been subscribed, the person or persons so opening the books of subscription, shall give at least *ten days' notice*, by publication in some public newspaper printed in said town, of the time and place at which the stockholders shall meet and hold an election for said directors.

SEC. 7. All elections shall be by ballot, and one vote shall be allowed for each share.

SEC. 8. The directors aforesaid shall elect one of their number to be president, and in case of vacancy in the office, the remaining directors may fill the same by appointment, until the next annual election; they shall also have power to fill all vacancies in their own body, by appointment, to continue until the next annual election.

SEC. 9. That in case it shall happen at any time, that an election shall not be made on any day appointed therefor, the said board of directors shall have power from time to time to order and appoint other periods and times for such elections as may be necessary.

SEC. 10. A majority of said directors shall form a quorum for the transaction of business, and shall have power to make such by-laws, rules, and regulations, not repugnant to this charter, the laws and constitution of this State, or of the United States, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate and effects of the corporation, the duties and conduct of the officers and persons employed therein, the election of directors, and all such matters as appertain to the concerns of said institution, and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem just.

SEC. 11. The stock of said corporation shall be assignable and transferrable according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property. But no transfers shall be valid or effectual, until registered in a book to be kept for that purpose by the President, which book shall at all reasonable hours of transacting business, be

open to the examination of any stockholder, or person having any demand against the corporation, or any member of it; and in case any officer of the company, having charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence, forfeit the sum of one hundred dollars, one moiety thereof to the Jefferson county Seminary, and the other to him who will sue for the same by action of debt in any court of record, together with cost of suits.

SEC. 12. That it shall be lawful for said corporation to build and erect houses, engines, reservoirs, and to lay down pipes, for the purpose of raising, preserving and conducting water from the Ohio river or elsewhere, to, in and through the town of Madison, and may dig in, along and across any public highway, road, or street, for the purpose of laying down, taking up, or repairing their pipes or other works, doing no unnecessary damage, and replacing and repairing the same, so as to be in as good condition as before.

SEC. 13. That it shall be lawful for said corporation, to use and employ any and all surplus power and capital over and above what shall be necessary for the purpose aforesaid, in any manufacturing business carried on in or near to said town of Madison, which they may think proper, and the same to withdraw from such business as an extension of their water business may require.

SEC. 14. The corporation hereby created shall not engage in the business of banking, or issue any kind of paper to pass as a circulating medium.

SEC. 15. This charter shall be, and hereby is, limited to the term of sixty years from and after the first day of May, 1835.

SEC. 16. The said corporation shall not contract debts so as to be liable at any one time to a greater amount than the capital stock of the same, and on a return of no property, or not sufficient property on any execution against said corporation, to satisfy the same, a *scire facias* may issue against those who were stockholders of said corporation at the time the demand or liability accrued, or against either or any of them in their individual capacity, requiring them to shew cause (if any there be) why execution should not issue thereafter against them for an amount equal to the stock by them severally subscribed, provided so much should be required to satisfy said execution, interests and costs, and on failure to shew sufficient cause, such execution may issue against the defendants in the judgment for execution collectively, for an amount to be levied of the goods and chattels, lands and tenements of each, equal to the amount of stock by him or her subscribed, if so much should be required to satisfy said execution interest and costs.

SEC. 17. The directors of said corporation shall be individually liable for any excess of debts over the amount of said capital stock, contracted during the time of their administration: *Provided* that such liability shall not exonerate said corporation from the same liability as to third persons.

SEC. 18. This act to take effect and be in force from and after its passage.

CHAPTER VII.

AN ACT to incorporate the town of Indianapolis.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the trustees of the town of Indianapolis shall be, and the same are hereby declared a body corporate and politic by the name and style of the "Trustees of the town of Indianapolis," and by that corporate name shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make, use, and have a common seal, and the same to break, alter, and renew at pleasure, to ordain, order, establish and put in execution such by-laws and rules as they shall deem proper and necessary for the convenience of said corporation, and also to adopt and put in force such laws, ordinances, and regulations as they shall deem necessary for the police and good government of the town hereby incorporated, subject to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the Constitution and laws of this state, or of the United States.

SEC. 2. On the first Monday in April next, and annually thereafter, there shall be an election held at some suitable place in each ward, for the purpose of electing by ballot five trustees for said town, at which election all free white males of the age of twenty one years and upwards, who shall have lived one year in the bounds of the corporation, shall be allowed to vote.

SEC. 3. It shall be the duty of the corporation to cause notice, of at least ten days, to be given, of such election, either by publishing it in a newspaper printed in [said] town, or by three written advertisements set up in three public places in said town. They shall appoint one qualified voter in each ward, to act as inspector of the election, whose name shall be published in the notice for the election, and who shall call to his assistance two other qualified voters who, with himself, shall be judges of the election; they shall appoint a clerk, and having taken an oath, or affirmation, faithfully to discharge their duty as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four o'clock P. M. on said day: *Provided however*, that if such inspector should not be present, the qualified electors shall, in that case, choose one to act in his place at such election:

Provided, also, that if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office, shall so continue, until others are elected at an annual meeting of the electors.

SEC. 4. It shall be the duty of the judges of such elections, to certify under [their] hands and seals, the five persons returned; which certificate shall be sufficient authority for such persons to take their seats as trustees. The trustees thus elected or a majority of them, shall meet, and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duty as trustees, shall elect one out of their own body, to preside as president at all their meetings; but in case of his absence, a president *pro tem*, may be appointed; no person shall be eligible for a trustee, unless he be a qualified elector, and also a householder or freeholder within the bounds of the corporation. When vacancies happen by death, resignation, or otherwise, such vacancy shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum. They shall meet on their own adjournment, shall appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and proper.

SEC. 5. It shall be the duty of the president to sign all laws, ordinances and decrees, of a public nature, and also to sign the records of all their by-laws and journals, or minutes of their proceedings.

SEC. 6. The corporation shall have power to levy and collect a tax, on real property not to exceed one half per cent. on its valuation, exclusive of improvements on such property; on any specific article or articles of personal property; a poll tax on each qualified voter not exceeding fifty cents each; on all shows, exhibitions or amusements. The corporation may in addition to the above tax, levy and collect on real property not exceeding one half per cent. on its valuation including improvements. The said corporation shall have power to pass such laws, ordinances, or decrees as may be necessary to guard against damage by fire; to organize fire companies and to govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be a public nuisance, and generally to enforce, by proper penalties, the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 7. The powers of the corporation for the purpose of raising a revenue by taxation shall extend to the limits of the present town plat (which is the present incorporated bounds of said town) as it is now recorded in the recorders office of Marion county, and the said corporation may extend its jurisdiction for the purpose of remov-

ing nuances and to carry into effect and full force its laws and ordinances, one halfmile beyond the recorded plat of the town:

Sec. 8. The corporation shall, in the month of May, in each year, appoint a lister, who shall take an oath of office, and give bond and security to be approved of by the corporation, conditioned for the faithful discharge of his duty as lister; he shall proceed forthwith, to make a fair list in alphabetical order, of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also all lots or fractional lots particularly noting the number, the owners name, if known, whether resident or non-resident; having completed such assessment, he shall call to his assistance two freeholders, who, having been sworn faithfully and impartially to value the real property exclusive of improvements, so listed, shall with the lister, proceed to value the same, and such lister shall, on or before the first day of July next succeeding, make return to the clerk of the corporation of such list and assessment.

Sec. 9. The corporation shall in the month of July in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security to be approved of by the corporation, conditioned that he will faithfully pay over all money that may come into his hands, as collector, to the treasurer of the corporation, or such person as may be authorized to receive the same. Said collector shall hold his office one year, unless sooner removed.

Sec. 10. It shall be the duty of the corporation to make out a fair list of all persons taxable with a poll tax, with personal property, and with real property, with its valuation, setting forth the owners name, (if known) the amount of tax chargeable to each person, and the amount charged on each article; and shall deliver the same to the collector on or before the first day of August annually, and certify the amount of tax contained on such list to the treasurer; such list so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

Sec. 11. It shall be the duty of the collector to receive the amount of taxes, due from each individual, on or before the first day of September, in each year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector, to proceed and collect the same by distress and sale of any of the personal property of such delinquent, by giving ten days notice of the time and place of such sale, by setting up three advertisements in public places.

Sec. 12. That in all cases where the tax due and owing cannot be made of the goods and chattles of such delinquent, it shall be the duty of the collector to make sale of the lots or fraction of lots belonging to such person, or so much thereof as will pay the tax and cost due, by giving twenty days notice of the time of such sale, in some newspaper published in said town, or by posting up five writ-

ten notices in public places in said town, in which notice he shall particularly describe the lot or lots so to be sold by their proper number, or some other certain description with the owners name (if known) or the person's name to whom it is supposed to belong. The collector, shall on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and cost due, for the smallest portion of the lot or lots; and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser will be entitled to receive a deed for the same, at the end of two years, unless the owner shall redeem the same, on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money with one hundred per cent. per annum thereon, or deposit the amount with the clerk of the corporation.

Sec. 13. That in case the owner of such lot or fraction of lot, so sold as aforesaid, his, her or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector who shall then be in office, to make a deed to the purchaser, or his assigns, for such lot or fraction of lot; which deed acknowledged and recorded agreeably to law, shall vest all the right and title to said lot, in the purchaser, and divest the owner, of any title thereto; and the assessment made on such lot or lots, shall be a lien on the same, in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such assessment, shall so divest the owner thereof, of the title to said lot, as to interfere with the claim of a purchaser, under the provisions of this act: *Provided*, that in all cases where [lots are listed and sold, the owner's name not known, such] sale shall be valid and good to the purchaser.

Sec. 14. The collector may adjourn his sale of lots from day to day, for three days, and if at the end of that time, any lot or lots, should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and cost on such lot shall remain a lien on such lot or lots, and shall be added to the next year's assessment, with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale, and certificate.

Sec. 15. It shall be the duty of the collector to make return of his proceedings, and the sales made, to the clerk of the corporation, on or before the first day of November annually, and annually pay over to the treasurer, all money by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct.

Sec. 16. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "The Trustees of the town of Indianapolis," and all suits

commenced for the benefit of the corporation, or when the corporation shall be defendant, shall be in the name of the trustees of the town of Indianapolis, without setting forth the name of any member thereof.

SEC. 17. It shall not be lawful for any person or persons within the bounds of the corporation to sell by a less quantity than one quart, any spirituous liquors foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons, shall, in addition to a license obtained from the Board of county commissioners, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her, or their paying into the Treasury of the corporation, a sum not exceeding fifty, nor less than five dollars at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they, so offending, shall upon conviction thereof, by presentment, or indictment, or otherwise, before any court having competent jurisdiction thereof, be fined in any sum not more than one hundred, nor less than ten dollars, for the use of the county seminary. And for the better regulation, peace and good government, of the town, the corporation is hereby authorized, to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting or whatever may detract from the peace and good order of society, and for the purpose of carrying the provisions of this act into effect, the corporation is hereby authorized to appoint a marshal for that purpose, who shall take an oath of office, and shall be a peace officer.

SEC. 18. That whenever the owner of lots on any street or section of a street shall be desirous of making any improvement on the same by graduating, graveling or paving said streets or side walks thereof, or any other improvements and two thirds of the owners of lots on said street or section of street, by themselves or agents, representing two thirds of the whole number of feet on each side of said street or section of street, shall by petition represent to the corporation plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the corporation, to cause the same to be done in the best and most economical manner agreeably to the wishes of the petitioners; and the expense of such improvement shall be assessed and levied on all lots fronting on said street or section of street, equally per foot front, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same shall be and remain a lien upon said lot or lots until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record with the petitioners' names, the number of feet front owned by each individual, the rate of expense on said lot for such improvement, and the whole amount assessed and levied on each lot or fraction of lot, which list signed by

the President and certified by the clerk, shall be sufficient authority for said collector to proceed to collect the same, and if the owner or agent of any lot or part of lot shall neglect or refuse to pay the amount so assessed and levied within three months after such levy, the collector shall proceed to collect the same by sale of such lot or fraction of lot or so much thereof as will pay the amount so levied, and in such sale, he shall in all respects be governed by the thirteenth section of this act, and the right of redemption shall be the same as is provided in the fourteenth section.

SEC. 19. The proceedings and official acts of the present board of trustees, and all former boards of trustees, not inconsistent with the laws of this State, or of the United States, are hereby legalized.

SEC. 20. All laws and ordinances, passed by the corporation of a public nature, shall be published either in a newspaper printed in the town, or by setting up, in public places, three written copies therof, before it shall be in force, and it shall be the duty of the corporation, in the month of March, in each year, to cause a full statement of all receipts and expenditures, for the past year, to be published in some newspaper printed in said town, or by posting up three copies thereof, in public places. This act shall take effect and be in force from and after its passage.

CHAPTER VIII.

AN ACT to incorporate the town of Dublin.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Schoolfield, Benjamin Griffin, Albertson Chappell, Alfred Pierce and James Vanuxem be, and they are appointed trustees of the town of Dublin in the county of Wayne, to serve as such until the first Monday in March 1836, and until their successors are elected and qualified, as hereafter directed.

SEC. 2. That the trustees aforesaid, at their first meeting under this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, and put all questions before them, and upon an equal division of the board give the casting vote, and at the close of each meeting, or previous to the next meeting of the board, shall sign the minutes of the same; and the said trustees shall also, at their said first meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation to such officers as to the board may seem reasonable.

SEC. 3. That the said president and trustees of said town of Dublin, and their successors in office, shall be, and the same are

hereby declared to be a body politic and corporate with perpetual succession, by the name and style of "the President and Trustees of the town of Dublin" and by their corporate name shall be capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court having competent jurisdiction; and shall have power to make, have, and use a common seal, and the same to alter, amend, and break at pleasure; to ordain, order, establish and put in execution, and carry into effect, such by-laws, rules, ordinances, and regulations, necessary and proper for the benefit, convenience, good government and police of said town.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in March annually, there shall be an election, at some convenient place in said town to be designated by said president and trustees, to elect by ballot, seven trustees for said corporation; at which election each white male inhabitant of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided in said town three months next preceding such election, shall be entitled to vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by public notice in some newspaper, printed and published in said town (if there should be one) or by written notices, set up in three of the most public places in said town, designating the time and places of holding such election.

SEC. 5. The president and trustees of said town, shall at their meeting, preceding each annual election, appoint an inspector of elections whose duty it shall be to attend all elections for said town, and take to his assistance, two qualified voters of the town, who shall be judges of said election; and said inspector and judges shall appoint two clerks of election, all of whom after being sworn or affirmed, faithfully to discharge their duties as such, (which oaths or affirmations the acting president of said corporation, or any other person authorized to administer oaths, may administer) shall proceed to receive the votes between the hours of 10 o'clock A. M. and 4 o'clock P. M. on the day of election: *Provided however*, if the inspector shall fail to attend any election, the voters present may choose one to act in his place. And provided also, that if the electors should fail to attend, or the president and trustees should fail to give notice of any election, the said corporation shall not thereby be dissolved, but the president and trustees, then in office, shall continue in office until successors shall be elected, at an annual election for said town.

SEC. 6. It shall be the duty of the inspector and judges of such election, to certify under their hands, the seven persons who receive the highest number of votes for trustees of said corporation, which certificate shall be filed and recorded by the clerk of said corpora-

tion, whose duty it shall be to make out and deliver copies thereof to each of the persons therein named; which certificate shall be sufficient evidence of the election of such trustee. The trustees thus elected, or a majority of them, shall meet, within ten days after such election, and after taking an oath or affirmation faithfully to discharge their duties as such trustees, shall elect one of their body to preside, as prescribed in the second section of this act; and in case of the absence of the president, at any meeting of the board, the trustees present may appoint one *pro tem*. No person shall be eligible as a trustee unless he be a qualified voter, and also a freeholder or householder in said town. When vacancies happen by death, resignation, removal or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall, at all times form a quorum to do business; they shall meet on their own adjournments, and appoint their own officers, as provided in the second section of this act.

SEC. 7. It shall be the duty of the president of the board to sign all laws, ordinances and decrees of a public nature; and also sign the records of all their by-laws and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, as soon as may be convenient, they shall elect or appoint a clerk, a treasurer and a marshal of said corporation, each of whom shall serve one year, and until their successors shall be chosen, and qualified, and shall possess the same qualifications as trustees, take a similar oath, and give bond and security, payable to said president and trustees, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any of the conditions of said bond, they shall be liable to the suit of the president and trustees aforesaid, on said bond against them and their securities, who may assign breaches upon the condition of said bond, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs of suit and ten per centum damages if such suit be brought for the non-payment of any sum of money due said corporation in any court having competent jurisdiction and on which judgment, there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy, annually, and collect a tax on real property, not to exceed one per cent on its valuation, exclusive of improvements. And on all shows exhibitions, and amusements, which may be exhibited for gain, not less than three nor more than ten dollars for each exhibition; and may levy a tax on any specific article or articles of personal property, and upon retailers of spirituous liquors, and upon venders of merchandise; and in addition to the above the said president and trustees may levy and collect a tax on real property, not exceeding one half per cent. on its valuation, either including or excluding improvements, at their discretion, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances or decrees, as may be necessary to guard against damages by fire, to organize fire companies and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, in the town, and to remove the same; to declare what shall be a public nuisance and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said town.

SEC. 10. The limits of the corporation of said town, shall, for the purposes of taxation and police, extend to and embrace, the plat of said town of Dublin, including the out-lots with any addition or additions, which have been, or may hereafter be made to said plat, as the same is, or may hereafter, be [entered] extended of record, in the recorder's office of said county of Wayne; and for the purposes of police, good government, and for the suppression of gambling, rioting, horse-racing, tippling, and other immoral and improper conduct, the limits of said corporation shall extend one half-mile in every direction from the centre of Davis and Cumberland streets, at their crossing in said town.

SEC. 11. The president and trustees shall in the month of April in each year, appoint an assessor who shall take an oath of office after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to taxation, together with such property as the president and trustees may direct him to list, also of all lots and fractions of lots, particularly noting the number or other description thereof, the owner's name, if known, and whether resident or non-resident, and after having completed such list, he shall take to his assistance two freeholders, who having taken a like oath or affirmation as the assessor, and faithfully and impartially to value the real property, directed as aforesaid to be assessed, shall with the assessor, proceed to value the same, and such assessor shall, on or before the 15th day of May next succeeding make return of such assessment to the clerk of the corporation.

SEC. 12. The president and trustees shall, in the month of May, in each year, levy a tax on the property so assessed, and returned by the assessor, and appoint a collector to collect the same, who shall take an oath of office and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully discharge his duty, and pay over to the treasurer of said corporation all monies that may come into his hands, as such collector, and shall hold his office for one year, unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair copy of such assessment list, and setting forth the amount of tax, charged on each item of property, and shall deliver the same to the collector on or before the first day of June, annually, and certify the amount of tax, contained in such duplicate to the treasurer, such duplicate so put into the hands of the collector, certified by

the president and attested by the clerk, shall be sufficient authority for the collector to collect the taxes charged thereon.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, [subject to execution by the laws of this state, by giving] ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said town.

SEC. 15. In all cases where the tax due cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to levy upon and make sale of the lots or fraction of lots or so much thereof as will pay the taxes of such person, (if such person shall own any lots or fractions of lots in said town) and all costs due thereon, by giving twenty days notice of the time and place of sale in some weekly newspaper, published in said town or said county, or by setting up written notices, in five of the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description with the owner's name if known, or the person's name [to whom] it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be by him filed amongst the records of said corporation. The collector shall, on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs, due for the smallest portion of the lot or lots so offered for sale, and shall give the purchaser a certificate of such purchase, setting forth the amount paid, including tax and costs, and that such purchaser will be entitled to a deed for the lot or lots purchased, at the end of two years, unless some person shall redeem the same, by paying to the purchaser, his heirs or assigns, or to the clerk of the corporation, for his use, the amount of the purchase money, with one hundred per centum per annum thereon.

SEC. 16. In case the owner of any lot or fractional lot, so sold as aforesaid, shall not pay the amount of the purchase money, with the per centum thereon as aforesaid, within two years from the day of sale, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed, acknowledged and recorded agreeably to law, shall vest the title thereto in the purchaser, his, her, or their heirs or assigns, and such tax, after the assessment, shall be a lien on the owner's real estate in said town; and in all cases where lots are assessed, and the owner's name is not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day for three days, if necessary, and if, at the final adjournment of his sale,

any lots should remain unsold for want of buyers he shall make return thereof, and the amount of the tax and costs shall remain a lien upon such lot or lots, and shall be added to the next years assessment, together with one hundred per centum thereon. The collector shall be allowed fifty cents for each sale and certificate and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and sales made, by the first day of November annually, to the clerk of the said corporation, and pay over to the treasurer all monies by him collected; and shall, at the same time, exhibit a list of delinquents for which he shall receive a credit, if correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "president and trustees of the town of Dublin;" and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the president and trustees of the town of Dublin" without setting forth the name of any member thereof; and in all such suits either by or against such corporation it shall *{not} be necessary to recite this act in the pleadings.

SEC. 20. It shall not be lawful for any person within the bounds of the corporation, to sell by a less quantity than a quart at a time, except for the use of the sick, any spirituous or strong liquors, foreign or domestic, nor keep any tippling house, unless such person shall, in addition to the license now required by law, obtain a license from the corporation, which the president and trustees are hereby authorized to grant to any applicant, for one year or less at one time, on his, her, or their paying into the treasury of the corporation a sum not less than three, nor more than forty dollars, at the discretion of the president and trustees of said town; and if any person shall sell by a less quantity than a quart at a time any spirituous or strong liquors, without such license, within the bounds of such incorporation, the person so offending shall be liable upon conviction thereof in an action of debt, or on the case, by the president and trustees, before any court having competent jurisdiction, to pay any sum of money, not less than two, nor more than twenty dollars; and for the police, peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws and ordinances for the suppression of immorality, intoxication, rioting, or whatever else may detract from the peace and good order of society in said town; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal, who shall, within the bounds of said corporation, be a peace officer, and in the service of all process,

*The word "not" is taken from the engrossed bill.

within said corporation, in which the corporation may be a party, the marshal shall have the same authority, and be subject to the same responsibilities, as a constable.

SEC. 21. Whenever the owners of any lots on any street, or section of a street, shall be desirous of making any improvement on the same, by grading, graveling, or paving said street or the sidewalk, if two thirds of the owners of lots on said street or section of a street, by themselves, their tenants, or their occupants thereof representing two thirds of the whole number of feet on each side of any street or section of a street, or two thirds of the whole number of feet on one side of any sidewalk, shall by petition represent to the president and trustees of said town, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done agreeably to the wishes of the petitioners; and the expense of such improvement shall be assessed and levied on all the lots fronting on such improvement, equally per foot, for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully discharged. It shall be the duty of the clerk of the corporation to enter such petition on record with the petitioners names, the number of feet front owned or represented by each, and shall make out, and deliver to the collector of the corporation, a list of the owners names, the number of feet front owned by each individual, and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president and attested by the clerk shall be sufficient authority for the collector to collect the same; and if the owner or occupant of any lot or part of a lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall, in all respects, be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided in the fifteenth section of this act; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be reoffered, by such collector, from time to time, until the same shall be sold, adding the costs that may accrue at each time for advertising &c. And the collector shall be entitled, in addition to the costs of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate, sold under the provisions of this act, the collector making the same, shall be allowed one dollar; and twentyfive cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances, passed by the president and

trustees, of a public nature, shall be published, by setting up written copies thereof in three of the most public places in the corporation, or by publishing the same in some newspaper published in the town or county, ten days before the same shall be in force; and it shall be the duty of the president and trustees, in the month of March, annually, to cause a full statement of the receipts and expenditures, of the past year, to be posted up in two of the most public places in the corporation.

SEC. 23. After the taking effect of this act the board doing county business within and for said county of Wayne, shall order at least one justice of the peace to be elected in the town of Dublin, to reside therein, at the election of whom all the qualified voters, who reside in the township in which said town is situate, shall be entitled to vote; and which election shall be held in said town at such place as said board may direct.

This act to be in force from and after its passage.

CHAPTER VIII.

AN ACT to incorporate the town of Bellville Hendricks County.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William T. Matlock, James Egan, Cornelius Bonta, William Naylor and Robert Cooper, be and they are hereby appointed trustees of the corporation of said town of Bellville, to serve as such, until the first Monday in April 1837, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also, at said meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

SEC. 3. That the said president and trustees of said town and their successors in office, shall be, and the same are hereby declared to be a body politic and corporate with perpetual succession, by the name and style of "the President and Trustees of the town of Bellville" and by their corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; and shall have power to make, use,

and have a common seal, and the same to break, alter, and amend, at pleasure; to ordain, order, establish, and put into execution, and effect such by-laws, rules, and ordinances necessary and proper for the benefit, and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated, subject however to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or the constitution and laws of the United States.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in April A. D. 1836, and annually thereafter, there shall be an election, at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot, five trustees for said corporation, at which election each white male inhabitant of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided within the bounds of the said corporation three months next preceding said election, shall be entitled to vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by publishing the same in some newspaper, printed in said town (if there should be one) otherwise by putting up written notices thereof in three of the most public places in said town, designating the time and place when and where such elections are to be holden.

SEC. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance, two other qualified voters who shall be judges of said election, and they shall appoint two clerks of the same, all of whom after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock A. M., and 4 o'clock P. M. on said day: *Provided however*, that if the said inspector shall not be present the electors may choose one to act in his place at such election: *And provided also*, that if the electors should fail to meet, or the president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees, then in office, shall continue until others their successors shall be elected, at an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector and judges of such election, to certify under their hands and seals the five persons who receive the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the five persons returned,

which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board they shall appoint a president pro tem. No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder, or householder within the bounds of the corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

Sec. 7. It shall be the duty of the president to sign all laws ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent damages thereon, in any court having jurisdiction of the same and on which judgment there shall be no stay of execution.

Sec. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one per cent. on its valuation exclusive of improvements. And on all shows, exhibitions and amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy a tax on any specific article, or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property, not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of purchasing a fire engine.

Sec. 9. The president and trustees shall have power to pass such laws, ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection

of public nuisances, and to remove the same; to declare what shall be considered a public nuisance, and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

Sec. 10. The limits of the corporation shall extend to and embrace the plat of the town of Bellville including the out-lots, with any addition or additions, which have been, or may hereafter be made thereto, as the same is or may hereafter be entered of record, in the recorder's office of said Hendricks county.

Sec. 11. The president and trustees shall in the month of April of each year, appoint a lister who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister; after which he shall proceed forthwith to make a fair list, in alphabetical order, of all persons subject to tax, together with such property as the president and trustees may direct him to list; also of all lots, or fractional lots, particularly noting the number and description thereof, the owner's name, if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders, who having been sworn faithfully and impartially to value the real property, exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessment.

Sec. 12. The president and trustees shall in the month of May, in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands, as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall hold his office one year, unless sooner removed.

Sec. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name if known, the amount of tax, chargeable to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June, annually, and certify the amount of tax contained in such list to the treasurer. Such list so put into the hands of the collector, certified by the president, and attested by the clerk, shall be sufficient authority for the collector to collect the same.

Sec. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and to account and pay the

same over to the treasurer immediately; and in all cases when taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said incorporated town.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, so much thereof as will pay the tax and costs due thereon, by giving twenty days notice of the time and place of such sale in some weekly newspaper, published in said town, or by posting up five written notices in the most public place in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description with the owner's name if known, or the person's name [to] whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation, to be filed by him amongst the records of said corporation. The collector shall, on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs, due for the smallest portion of the lot or lots so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs, or assigns the amount of the purchase money, with one hundred per cent. thereon, or deposite the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which if correct shall be entered on record: *Provided however*, that nothing in this act shall be so construed as to contravene any of the provisions of "an act to provide a fund for common schools."

SEC. 16. In case the owner of any lot or fractional lot, so sold aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed, acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale, and no conveyance made by the owner of such lot after the time of such assessment, shall divest the owner thereof of the title to

said lot as to interfere with the claim of a purchaser under the provisions of this act: *Provided*, That in all cases where lots are listed and the owners name not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day for three days, and if, at the final adjournment of his sale any lot or lots should remain unsold for want of buyers he shall make return thereof, and the amount of the tax and costs shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per centum thereon. The collector shall be allowed fifty cents for each sale and certificate and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and the sales made, to the clerk of the corporation, on or before the first day of September annually, and pay over to the treasurer all moneys by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "president and trustees of the town of Bellville;" and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the president and trustees of the town of Bellville," without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than one quart except for the use of the sick, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business obtain a license from the corporation, who is hereby authorized to grant the same to such applicant, for one year or less at one time, on his, her, or their paying into the treasury of the corporation a sum not less than three, nor more than fifty dollars, at the discretion of the president and trustees of said town; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house contrary to the provisions of this act, he she or they so offending shall upon conviction thereof in an action of debt, or on the case, brought by the president and trustees, against the offender or offenders before a justice of the peace, or any court having jurisdiction, thereof recover [be liable for] any sum of money, not more than twenty nor less than three dollars, for any violation of this section; and shall upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this act) in any court of competent jurisdiction, be fined in any sum not more than fifty nor less than five dollars for the use of the county seminary. And for the better regulation of the peace and good government of

the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal, for that purpose, who shall take an oath of office and be a peace officer.

SEC. 21. Whenever the owners of any lots on any street, or section of a street, shall be desirous of making any improvement on the same, by grading, graveling, or paving said street or sidewalks thereof, or any other improvement on said street or side walks, two thirds of the owners of lots on said street or section of street, by themselves, their tenants, or occupants thereof, representing two thirds of the whole number of feet on each side of said street or section of street, or two thirds of the whole number of feet on one side of any sidewalk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners; and the expense of such improvement shall be assessed and levied on all the lots fronting on said street, or section of street, equal per foot, for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record, with the petitioners names, the number of feet front owned or represented by each, and shall make out, and deliver to the collector of the corporation, a list of the owners names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president and certified by the clerk shall be sufficient authority for said collector to proceed and collect the same; and if the owner or occupant of any lot or part of a lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall, in all respects, be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided in the fifteenth section of this act; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be reoffered by such collector, from time to time, until the same shall be sold, adding the costs that may accrue at each time for advertising &c. And the collector shall be entitled, in addition to the costs of advertising, to the same fee for such sale as he is allowed in the sever-

teenth section of this act for making sale and certificate; and for making a deed to any real estate, sold under the provisions of this act, the collector making the same, shall be allowed one dollar; and twentyfive cents for having the same acknowledged, to be paid by the person receiving said deed.

SEC. 22. All laws and ordinances, passed by the president and trustees, of a public nature, shall be published, either in a newspaper printed in the town or by setting up in three of the most public places in the corporation, written copies thereof ten days before the same shall be in force; and it shall be the duty of the president and trustees, in the month of April in each and every year, to cause a full statement of all receipts and expenditures, for the past year, to be published by posting up two copies thereof in public places in the corporation or by publishing the same in some newspaper printed in town.

This act shall take effect and be in force from and after its passage

CHAPTER IX.

AN ACT to incorporate the town of Milton Wayne County.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Richard J. Hubbard, John F. Wright, Josiah White, John Crum, Daniel Sinks, Mordecai Hiatt, Enoch Maudlin and Charles F. Moore, be and they are hereby appointed trustees of the corporation of said town of Milton, to serve as such until the first Monday in March 1837, and until their successors are elected and qualified as hereinafter directed.

SEC. 2. That the said trustees at their first meeting after the passage of this act, shall elect a president from their own body, whose duty it shall be to preside at all meetings of the board, and preserve order, put all questions and upon an equal division of the board, give the casting vote, and at the close of each meeting, shall sign the minutes of the same; and the said trustees shall also, at said meeting, appoint all officers necessary to carry into effect the provisions of this act, and make such compensation as to them shall appear reasonable and right.

SEC. 3. That the said president and trustees of said town and their successors in office, shall be, and the same are hereby declared to be a body politic and corporate with perpetual succession, by the name and style of "the President and Directors of the town of Milton and by their corporate name shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction; and shall have power to make, use,

and have a common seal, and the same to break, alter, and amend, at pleasure; to ordain, order, establish, and put into execution, such by-laws, rules, and ordinances necessary and proper for the benefit and convenience of the citizens of said incorporated town; and shall also have power to adopt and put in force such laws, ordinances and regulations as they shall deem necessary for the police, good government, and order of said town hereby incorporated, subject however to the restrictions, limitations, and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or the constitution and laws of the United States.

SEC. 4. That the said president and trustees, or a majority of them, shall have power to lay off said town into as many wards as they may deem necessary, and on the first Monday in March A. D. 1837, and annually thereafter, there shall be an election, at some convenient place in said town, to be designated by the said president and trustees, to elect by ballot, eight trustees for said corporation, at which election each white male inhabitant of said town, who shall have the qualifications of a voter for state and county officers, and shall have resided within the bounds of the said corporation three months next preceding said election, shall be entitled to a vote at the same; ten days previous notice of which election shall be given by the president and trustees aforesaid, by putting up written notices thereof in three of the most public places in said town, designating the time and place when and where such elections are to be held.

SEC. 5. The president and trustees at their meeting preceding the annual elections shall appoint an inspector of all elections whose duty it shall be to attend the same, and call to his assistance, two other qualified voters who shall be judges of said election, and they shall appoint two clerks of the same, all of whom after being sworn or affirmed to a faithful discharge of their duties as such, shall proceed to receive the votes between the hours of 10 o'clock A. M., and 4 o'clock P. M. on said day: *Provided however*, that if the said inspector shall not be present the electors may choose one to act in his place at such election: *And provided also*, that if the electors should fail to meet, or the president and trustees fail to give notice of any election, the corporation shall not thereby be dissolved, but the president and trustees, then in office, shall continue until others their successors shall be elected, at an annual meeting of the electors.

SEC. 6. It shall be the duty of the inspector and judges of such election, to certify under their hands and seals the eight persons who receive the highest number of votes, which certificate shall be filed and put on record by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the eight persons returned, which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them,

shall meet within ten days after such election, and after taking an oath or affirmation, faithfully, diligently, and impartially to discharge their duties as trustees, shall elect one of their body to preside as in the second section of this act; in case of his absence at any meeting of the board they shall appoint a president pro tem. No person shall be eligible as a trustee unless he is a qualified elector, and also a freeholder, or householder within the bounds of the corporation. When vacancies happen by death, resignation, or otherwise, such vacancies shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournments, and appoint their officers as in the second section of this act.

SEC. 7. It shall be the duty of the president to sign all laws, ordinances, and decrees of a public nature, and also to sign the records of all their by-laws, and journals or minutes of their proceedings; and at the first meeting of the president and trustees, after the taking effect of this act, and after each annual election, or as soon thereafter as may be convenient, they shall proceed to elect or appoint a clerk, a treasurer, and marshal, each of whom shall serve one year, or until their successors shall be chosen and qualified; and they shall possess the same qualifications as trustees, take a similar oath, and give bond and security payable to the president and trustees, conditioned for the faithful discharge of their duties respectively; and on failure to perform all or any of the conditions of said bond, they and their securities shall be liable to the suit of the president and trustees aforesaid, who may assign breaches upon the conditions of said bond or other cause, and recover a judgment for any default in the discharge of the duties of such officer, together with full costs, and ten per cent. damages thereon, in any court having jurisdiction of the same and on which judgment there shall be no stay of execution.

SEC. 8. The president and trustees shall have power to levy annually, and collect a tax on real property not to exceed one per cent. on its valuation exclusive of improvements. And on all shows, exhibitions and amusements, which may be exhibited for gain, not less than three, nor more than ten dollars for each exhibition; and may levy a tax on any specific article, or articles of personal property; and in addition to the above, the said president and trustees may levy and collect a tax on real property, not exceeding one half per cent. on its valuation, either including or excluding improvements, at the discretion of the said president and trustees, for the purpose of purchasing a fire engine.

SEC. 9. The president and trustees shall have power to pass such laws, ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce by

proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 10. The limits of the corporation shall extend to and embrace the following boundaries, to wit: commencing at the east bank of Whitewater on the township line dividing township fifteen and sixteen, and running thence west with said line to the west boundary of the town plat; thence south to the county road leading west, from the west end of Connerville street; thence south seventeen rods; thence east to main cross street; thence north to Connerville street; thence east to the east margin of the said river; thence along the bank of said river, to the place of beginning: *Provided however*, that nothing in this act, shall be so construed, as ever to make taxable for corporation purposes, the saw and grist-mill belonging to Jacob Sinks, with the apparatus and machinery thereunto belonging.

SEC. 11. The president and trustees shall in the month of April of each year, appoint a lister who shall take an oath of office, and give bond and security, to be approved of by the said president and trustees, conditioned for the faithful discharge of his duties as lister; after which he shall proceed forthwith to make a fair list in alphabetical order of all persons subject to tax, together with such property as the president and trustees may direct him to list; also all lots, or fraction of lots, particularly noting the number and description thereof, the owner's name if known, and whether resident or non-resident. After having completed such assessment, he shall call to his assistance two freeholders who having been sworn faithfully and impartially to value the real property exclusive of improvements so listed, shall with the lister proceed to value the same, and such lister shall on or before the fifteenth day of May next succeeding, make return to the clerk of the corporation of such list and assessments.

SEC. 12. The president and trustees shall in the month of May in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath and give bond and security to be approved of by the president and trustees, conditioned that he will faithfully pay over all moneys that may come into his hands as collector, to the treasurer of the corporation, or to such person as may be authorized to receive the same. Said collector shall hold his office one year unless sooner removed.

SEC. 13. The president and trustees shall cause the clerk to make out a fair list of all persons taxable, with personal property, and with real property, with its valuation, setting forth the owner's name if known, the amount of tax chargeable to each person, and the amount charged on each article, and shall deliver the same to the collector on or before the first day of June annually, and certify the amount of tax contained on such list to the treasurer. Such list so put in the hands of the collector, certified by the president, and at-

tested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 14. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of July in each and every year, and to account and pay the same over to the treasurer immediately; and in all cases when taxes assessed are not paid by that time by any individual, it shall be the duty of the collector to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, subject to execution by the laws of this state, by giving ten days notice of the time and place of such sale, by advertisements set up in three of the most public places in said incorporated town.

SEC. 15. In all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector to make sale of the lots or fractions of lots belonging to such person, so much thereof as will pay the tax and costs due thereon, by giving twenty days' notice of the time and place, by posting up five written notices in the most public places in said town, in which notices he shall describe the lot or lots to be sold by their proper number, or some other certain description with the owner's name if known, or the person's name to whom it is supposed to belong, and file one of said advertisements with the clerk of said corporation. The collector shall, on the day of sale, by proclamation proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs, due for the smallest portion of the lot or lots so offered for sale, and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that said purchaser will be entitled to receive a deed for the same at the end of two years, unless the owner, or some person for him, her, or them shall redeem the same on or before that time, by paying to said purchaser, his, her, or their heirs, or assigns the amount of the purchase money, with one hundred per cent. thereon, or deposite the amount with the clerk of the corporation, whose duty it shall be to make an exhibit of the same to the president and trustees at their next meeting, which if correct shall be entered on record.

SEC. 16. In case the owner of any lot or fractional lot, so sold as aforesaid, his, her, or their agent or attorney shall not pay the amount of the purchase money with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector then in office, to make a deed to the purchaser, his, her, or their heirs or assigns, for such lot or fraction of lot, which deed, acknowledged and recorded agreeably to law, shall vest the right and title to said real estate in the purchaser, his heirs or assigns, and divest the owner or owners of any title thereto; and the assessment made on such lot or lots shall be a lien on the same in the hands of any person who may purchase the same at private sale,

and no conveyance made by the owner of such lot after the time of such assessment, shall divest the owner thereof of the title to said lot so as to interfere with the claim of a purchaser under the provisions of this act: *Provided*, That in all cases where lots are listed and the owners name not known, such sale shall be valid and good to the purchaser.

SEC. 17. The collector may adjourn his sale from day to day for three days, and if, at the final adjournment of his sale any lot or lots should remain unsold for want of buyers he shall make return thereof, and the amount of the tax and costs shall remain as a lien upon such lot or lots, and shall be added to the next year's assessment, together with one hundred per centum thereon. The collector shall be allowed fifty cents for each sale and certificate and the expense of advertising the same.

SEC. 18. It shall be the duty of the collector to make return of his proceedings and the sales made, to the clerk of the corporation, on or before the first day of September annually, and pay over to the treasurer all moneys by him collected; at which time he shall furnish a list of delinquents, for which he shall receive a credit, if deemed correct and true.

SEC. 19. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of the "president and trustees of the town of Milton;" and all suits commenced for the benefit of the corporation, or where the corporation shall be defendant, shall be in the name of "the president and trustees of the town of Milton," without setting forth the name of any member thereof.

SEC. 20. It shall not be lawful for any person or persons within the bounds of the corporation, to sell by a less quantity than one quart except for the use of the sick, any spirituous liquors, foreign or domestic, or keep what is commonly called a tippling house, unless such persons shall, in addition to a license obtained from the board of county commissioners, or the board doing county business [obtain] a license from the corporation, who is hereby authorized to grant the same to such applicant, for one year or less at one time, on his, her or their paying into the treasury of the corporation a sum not less than three, nor more than fifty dollars, at the discretion of the president and trustees of said town; and if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house contrary to the provisions of this act, he, she or they so offending shall upon conviction thereof in an action of debt, or on the case, brought by the president and trustees, against the offender, offenders before a justice of the peace, or any court having jurisdiction thereof, recover [be liable for] any sum of money, not more than twenty nor less than three dollars, for any violation of this section; which shall be for the use of the said corporation, and shall upon conviction thereof by presentment or indictment, (in which indictment it shall not be necessary to recite this a

in any court of competent jurisdiction, be fined in any sum not exceeding fifty nor less than five dollars for the use of the county seminary. And for the better regulation of the peace and good government of the town, the said president and trustees are hereby authorized to pass and adopt laws or ordinances for the suppression of immorality, intoxication, rioting, or whatever may detract from the peace and good order of society; and for the purpose of carrying into effect the provisions of this act, the said president and trustees are hereby authorized to appoint a marshal, for that purpose, who shall take an oath of office and be a peace officer.

SEC. 21. Whenever the owners of any lots on any street, or section of a street, shall be desirous of making any improvement on the same, by grading, graveling, or paving said street or sidewalks two thirds of the owners of lots on said street or section of street, by themselves, their tenants, or occupants thereof, representing two thirds of the whole number of feet on each sidewalk, and shall by petition represent to the president and trustees of said incorporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the president and trustees to cause the same to be done in the best and most economical manner, agreeably to the wish of said petitioners; and the expense of such improvement shall be assessed and levied on all the lots fronting on said street, or section of street, equal per foot, for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied shall be fully paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition on record with the petitioners names, the number of feet front owned or represented by each, and shall make out, and deliver to the collector of the corporation, a list of the owners names, the number of feet front owned by each individual, the rate of expenses on each lot for such improvement and the whole amount assessed and levied on each lot or fraction of lot, which list signed by the president and certified by the clerk shall be sufficient authority for said collector to proceed and collect the same; and if the owner or occupant of any lot or part of a lot shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by sale of such lot or part of lot, or so much thereof as will pay the amount so levied; and in such sale and conveyance to the purchaser thereof, he shall, in all respects, be governed by the fifteenth and sixteenth sections of this act, and the right of redemption shall be the same as is provided in the fifteenth section of this act; and if any such lot or fraction of lot shall not sell for want of buyers, or any other legal cause, the same may be re-offered, by such collector, from time to time, until the same shall be sold,

adding the costs that may accrue at each time for advertising &c. And the collector shall be entitled, in addition to the costs of advertising, to the same fee for such sale as he is allowed in the seventeenth section of this act for making sale and certificate; and for making a deed to any real estate, sold under the provisions of this act, the collector making the same, shall be allowed fifty cents; and twenty-five cents for having the same acknowledged, to be paid by the person receiving such deed.

SEC. 22. All laws and ordinances, passed by the president and trustees, of a public nature, shall be published, by setting up in three of the most public places in the corporation, written copies thereof ten days before the same shall be in force; and it shall be the duty of the president and trustees, in the month of March in each and every year, to cause a full statement of all receipts and expenditures, for the past year to be published by posting up two copies thereof in public places in the corporation.

This act shall take effect and be in force from and after its passage.

CHAPTER X.

AN ACT to incorporate the town of New York in Switzerland county.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Daniel Kelso, Samuel Howard, George Land, and Erastus Moore, they and their successors in office, are hereby constituted a body politic and corporate under the name of the trustees of the town of New York, with full power to sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State, under said name.

SEC. 2. That the following shall be the territorial limits of said town for corporation purposes, to-wit: Begin where the range line dividing ranges one and two terminates at the Ohio River; thence north with said range line to the north-west corner of fractional section, No. 6, township numbered one, in range one west; thence east on the north boundary line of said fractional section, to Turtle creek; thence down said creek to the Ohio River; thence down said river to the place of beginning.

SEC. 3. That the powers, duties, and restrictions of said corporation, are, in all respects, the same as the powers, duties and restrictions of the corporation of the town of Vevay, Indiana, except that there shall be but four trustees for the said town of New York.

This act to take effect and be in force from and after its passage.

CHAPTER XI.

AN ACT to revive and continue in force "an act to incorporate the town of Washington in Daviess county," approved January 31st, 1832.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, whereas the qualified voters of the town of Washington, in Daviess county, have, for the last three years, neglected to elect trustees for said town, it is hereby declared that the trustees elected at the last election held in said town to elect trustees, are hereby declared to be in office, and shall hold their offices, until their successors are elected and qualified according to law. This act to take effect from and after its passage.

CHAPTER XII.

AN ACT to incorporate the town of Vevay.

(APPROVED JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the trustees to be elected under the provisions of this act shall be, and the same are hereby declared to be a body politic and corporate by the name and style of "The Trustees of the town of Vevay," and by that name and style shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make, use, and have, a common seal, and the same to break, alter and renew at pleasure, to ordain, order, establish and put in execution, such by-laws and rules as they shall deem proper and necessary for the police and good government of said town, subject to the restrictions, and limitations hereinafter provided, and not inconsistent with the constitution and laws of this state, and of the United States.

SEC. 2. The qualified voters of said town, shall on the first Monday in June A. D. 1836, proceed to elect seven trustees of said town, for the year next ensuing thereafter, and this act shall be deemed and taken to be a sufficient notice of the time of holding said election. That said election shall be held at the court house in said town, and Robert Drummond and Perret Dufour of said town, are hereby appointed inspectors of said election; they shall call to their assistance one other qualified elector of said town, who with themselves shall be judges of said election; they shall appoint a clerk and having taken an oath faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees, be-

tween the hours of 10 o'clock A. M. and four o'clock P. M. of said day. In case of the death, resignation or refusal to act of one or both of the above named inspectors and judges of said election, his or their vacancies may be supplied by a vote *viva voce*, on the said first Monday of June, at the court house, *provided*, ten voters are present.

SEC. 3. On the first Monday in June annually, there shall be an election held at the court-house, to elect by ballot, seven trustees; at which election, all free white males of the age of twenty-one years and upwards, who shall have lived in said town one year previous to said election, shall be allowed to vote.

SEC. 4. It shall be the duty of the trustees to cause notice of at least ten days to be given, of such election, either by publishing it in a newspaper printed in said town, or by three written notices set up in three public places in said town. The president of the corporation shall act as inspector of the election; he shall call to his assistance two other qualified electors of said town who, with himself, shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duties as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock, A. M. and four o'clock, P. M. on said day: *Provided however*, That if the president shall not be present, or shall be disqualified from acting by sickness or some other cause, the trustees may appoint another person to act in his place at such election: *Provided also*, That if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office, shall so continue, until others are elected at an annual meeting of the electors.

SEC. 5. It shall be the duty of the judges of such election, to certify under their hands and seals, the names of the seven persons who received the highest number of votes which certificate shall be filed and put upon record, by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons elected; which certificate shall be sufficient authority for such person to act, as trustee.

SEC. 6. The trustees thus elected or a majority of them, shall meet and after taking an oath or affirmation, faithfully and impartially to discharge their duty as trustees, shall elect one of their body as president of their meetings; but in case of his absence, a president may be appointed to act *pro tem.*; no person shall be eligible as a trustee, unless he be a qualified elector of said town, and also a householder and freeholder of said town. When vacancies happen by death, resignation, or otherwise, such vacancy shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournment, shall appoint all officers necessary to carry into effect the provisions of this act, and shall make such compensation, as to them shall seem reasonable and proper.

SEC. 6. It shall be the duty of the president, to sign all laws, ordinances and decrees, of a public nature, and also to sign the records of all their by-laws and journals, or minutes of the proceedings of said board of trustees.

SEC. 7. The corporation shall have power to assess and collect a tax annually, on real property, not to exceed one half per cent. on its valuation, including improvements on such property; on any specific article or articles of personal property; a poll tax on each qualified voter not exceeding fifty cents each; on all shows and exhibitions. The corporation may in addition to the above tax, levy and collect, on real property, a tax not exceeding one half per cent. on its value including improvements, for the purpose of purchasing a fire engine.

SEC. 8. The corporation shall have power to pass such laws, ordinances or decrees as may be necessary to guard against damages by fire, to organize fire companies, and govern the same; to regulate the duty and conduct of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; and generally to enforce by proper penalties the observance of all laws and ordinances relative to the police and government of the said incorporated town.

SEC. 9. The powers of the corporation, for the purpose of raising a revenue by taxation, shall extend to the limits of the town plat as the same is recorded in the recorder's office of Jefferson [Switzerland] county; and to the limits of all the additional plats of town lots adjoining thereto, and the said corporation may extend its jurisdiction for the purposes of removing nuisances, and to carry into full and complete effect its laws and ordinances, one full half mile beyond the limits aforesaid, all public ground which lies between the plat or plats of said town and the Ohio river is hereby attached to and made a part of said town, for the purpose of taxation, improvement or otherwise, and shall forever be and remain under the jurisdiction and controul of said corporation, and said corporation is hereby authorized and empowered to exercise full and ample jurisdiction over all streets, and on the landing or margin of the river, to erect a wharf or wharves and to regulate the same.

SEC. 10. The corporation shall, in the month of May in each year appoint a lister who shall take an oath of office, and give bond and security, to be approved of by the corporation conditioned for the faithful discharge of his duties as lister; he shall proceed forthwith to make a fair list in alphabetical order of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also all lots, and fraction of lots, particularly noting the number, owner's name if known, and whether resident or non-resident; having completed such assessment, he shall call to his assistance two freeholders who having been sworn faithfully and impartially to value the real property including improvements so listed, shall with the lister proceed to value the same, and

such lister shall on or before the first day of July next, succeeding, make return to the clerk of the corporation of such list and assessments. *Provided however,* that the time for appointing a lister for the year 1836, shall not expire until the end of June 1836, and the time for making his return is hereby extended until the first day of September 1836.

Sec. 11. The corporation, in the month of July, in each year, shall levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath faithfully to discharge his duties as such collector and shall give bond with security to be approved of by the trustees of said town conditioned for the faithful performance of his duties as such collector and that he will faithfully pay over all monies which may come into his hands as such collector to the treasurer of the town or such person as may be authorized to receive the same, which bond shall be made payable to the trustees of said town and may be sued on by them or their successors in office. Said collector shall hold his office one year unless sooner removed.

Sec. 12. It shall be the duty of the trustees to make out a fair list of all the persons chargeable with a poll-tax, with personal property, and with real property, with its valuation, setting forth the owner's name, (if known) the amount of tax chargeable to each person, and the amount charged on each article; and shall deliver the same to the collector within two weeks after his appointment, and shall certify the amount of the tax charged on such list to the treasurer; such list so put into the hands of the collector certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

Sec. 13. It shall be the duty of the collector, to receive the amount of taxes due from each individual, on or before the first day of November in each year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector, to proceed and collect the same, by distress and sale giving ten days previous notice of the time and place of said sale, by sticking up three advertisements in three public places in said town.

Sec. 14. That in all cases where the taxes due and owing, cannot be made of the goods and chattles of such delinquent, it shall be the duty of the collector, to make sale of the lots or fractions of lots belonging to such persons or so much thereof, as will pay the taxes and costs due, giving twenty days notice of the time and place of such sale, in some newspaper published in the county of Switzerland, if any, if not, by three advertisements, posted in three public places in said town, in which notice, he shall particularly describe the lot or lots to be sold, by their proper number, or some other certain description, with the owner's name, (if known) or the name of the person to whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who shall pay the

tax or cost due, for the smallest portion of said lot or lots; and shall give to such person a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that such purchaser will be entitled to receive a deed for the same, at the end of two years thereafter unless the owner or owners shall redeem the same on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money, with one hundred per cent. per annum thereon, or deposite the amount with the clerk of the corporation.

Sec. 15. That in case the owner of such lot or lots so sold as aforesaid, his, her or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector who shall be then in office, to make a deed to the purchaser, or his assigns for such lot or lots, which deeds acknowledged and recorded agreeably to law, shall vest all right and title to said lot in the purchaser, and divest the original owner of any title thereto, and the assessment made on such lot or lots, shall be a lien on the same in the hands of any after purchaser who may purchase at private sale; and no conveyance made by the owner of such lot or lots after the time of such assessment, shall so divest the owner or owners thereof, as to interfere with the title of a purchaser, under the provisions of this act: *Provided,* that in all cases where lots are listed, and sold and the owner's name not known, the sale shall be valid and good to the purchaser: *Provided* that no lot or part of lot shall be sold for taxes or improvement under this act unless personal property cannot be found on the premises, or within the corporation, whereon to levy the same.

Sec. 16. The collector may adjourn his sale of lots from day to day for three days and if at the end of that time, any lot or lots, should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and costs, on such lot or lots shall remain as a lien on such lot or lots, and shall be added to the next year's assessment, with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale and certificate including the costs of advertising, unless the same be made in a newspaper, in which case a reasonable allowance shall be made to the printer by the board of trustees.

Sec. 17. It shall be the duty of the collector to make return of his proceedings, and of the sales made to the clerk of the corporation, on or before the first day of November, annually, and annually pay over to the treasurer, all moneys by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit if deemed correct.

Sec. 18. In all bonds given to the corporation by officers, and all contracts entered into with the corporation, said corporation shall be named "The trustees of the town of Vevay," and in all suits commenced for the benefit of the corporation, and against the corpora-

tion, said corporation shall be styled "The Trustees of the town Vevay," without setting out the name of any member thereof.

SEC. 19. It shall not be lawful for any person or persons within the bounds of the corporation, to sell any spirituous liquors in a quantity less than one quart, or keep what is commonly called a tippling house, unless such person or persons shall in addition to a license obtained from the board doing county business, obtain a license from the trustees of said town who are hereby authorized to grant the same to such applicant for one year, such applicant paying into the treasury of the corporation a sum not less than fifty cents and not exceeding five dollars at the discretion of the corporation, and any person shall sell any spirituous liquors contrary to the provisions of this act or shall keep a tippling house within the bounds of said corporation without such license obtained from the board of trustees of said town after their first election, the person or persons so offending on conviction thereof on presentment or indictment by any court of competent jurisdiction shall be fined in any sum not exceeding twenty dollars, nor less than five dollars, for the use of the county Seminary of Switzerland county, and said corporation hereby authorized to appoint a marshal, and such assistants as may be necessary and pay them for their services out of the funds of the corporation; the said marshal when appointed shall take an oath to discharge his duties as such, and shall be a peace officer of said town and shall act in such capacity under the direction of the trustees.

SEC. 20. That whenever the owners of lots, on any street shall be desirous of making any improvements on the same, by gradually graveling or paving said street or the side walks thereof, or of a part thereof, that two thirds of the owners of real estate on said street or section of street, by themselves or agents, representing two thirds of the whole number of feet on each side, of said street or section of street, shall by petition, represent to the corporation plainly and distinctly the improvement wanted, or contemplated to be made, it shall be the duty of the corporation to cause the same to be done in the best and most economical manner according to the wish of the petitioners, and the expense shall be assessed and levied on all the lots, fronting on said street or section of street equal per foot front, for the distance such improvement may be intended to extend, which assessment and levy from the time of making the same shall be and remain a lien upon such lot or lots until the amount so assessed and levied with the costs thereof shall be paid and discharged. It shall be the duty of the clerk of the corporation to enter such petition of record, with the petitioners names and the number of feet front owned by each and shall make out, and deliver to the collector of the corporation, a list of the owners names, and the number of feet front owned by each individual, the rate of expense on said lot, for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list signed by the president of the board of trustees and certified by the clerk shall

sufficient authority for said collector to proceed and collect the same; and if the owner or agent of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by the sale of such lot or fraction, or so much thereof as will pay the amount so levied; and in such sale, he shall in all respects be governed by the 14th section of this act; and the right of redemption shall be the same as in other cases of sales under this act.

SEC. 21. The corporation shall have power to pass all ordinances, laws, and rules, necessary to carry into full effect the powers given them by this act; to abate nuisances; to make contracts, for public improvements, and if necessary to borrow money to conduct the same. All ordinances of a public nature passed by the corporation shall be published either in some newspaper printed in said town or by advertisements, written and set up in three of the most public places in said town; and it shall be the duty of the corporation to cause a full statement of the receipts and expenditures of said town to be published in the same manner as is directed in this section for the publishing of ordinances.

SEC. 22. Nothing in this act shall be so construed as to allow the said board of trustees to appropriate private property to public uses without the consent of the owner thereof.

SEC. 23. The treasurer, collector, and lyster of said town shall give bond and security to the approval of said board, the condition of the bonds of the treasurer and collector, shall be for the faithful discharge of their duties as such and, for rendering a faithful account of all moneys coming to their hands by virtue of their offices, and for the faithful payment of the same over to the board of trustees, when required by them or to their order.

SEC. 24. It shall be the duty of the first trustees elected by virtue of this act, to lay out the town of Vevay into seven distinct wards, which shall be entered of record on the corporation books, and which the trustees may alter. And at all elections after the first, one trustee who is a resident of each ward shall be elected. And if any vacancy happen in the board of trustees such vacancy shall be filled by the appointment of a trustee or trustees who reside in the ward or wards in which the vacancy or vacancies occur.

This act shall be considered a public act and be recognized by the courts as such.

CHAPTER XIII.

AN ACT to incorporate the town of New Albany.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the citizens of the town of New Albany are hereby declared to be a body corporate and politic, by the name and style of "the town of New Albany." They may by that name have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended against, in any court of law or equity, contract and be contracted with, purchase lands, tenements and hereditaments, good and chattels, and hold them for the benefit of themselves and successors, or sell and convey them to others; have and use a common seal and break and alter the same at pleasure, and make and enforce by-laws and ordinances necessary for the good government and welfare of the town. And excepting the right of electors therein to vote at elections, said corporation shall act through the present trustees and other officers hereinafter named.

SEC. 2. The town thus incorporated, shall extend from Upper Fifth street to Lower Fifth street, both inclusive, and from the Ohio river to Oak street, inclusive; and the president and trustees of the town shall have jurisdiction over the Ohio river opposite thereto; they shall also have power to extend from time to time, the aforesaid limits so as to include all the out-lots on the original plats of the town, with the consent of a majority of the legal voters residing on the proposed addition.

SEC. 3. Every qualified elector of this State, not a pauper, who shall have resided in the town for six months, next preceding, shall be entitled to vote for trustees of said town. Such an election shall be held at the court house or some other convenient place in the town, on the first Monday of April, 1836, and annually thereafter on the first Monday of January, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, of which the president now or hereafter to be in office shall give twenty days notice by publishing it in a newspaper of the town, if there be one, else by posting it in three of the most public places of the town. The electors of each of the three wards of the town, shall vote separately, by ballot, for three trustees of their respective wards. The first trustees may from time to time, alter the limits of the wards, so as to render them as nearly equal in population as practicable.

SEC. 4. The president and two other qualified electors of the town, whom he shall take to his assistance, shall be judges of elections. *Provided, however,* That if the president shall be absent from an election, the electors present shall choose one of their own number to act in his place. Said judges shall be sworn, and they shall appoint a clerk of the election who shall also be sworn. It shall be the

duty of the judges to receive and count the votes given, and the clerk to keep a correct list of them, and the judges, under their hands and seals, shall certify to the clerk of the town the names of three persons elected trustees from each ward; and the clerk shall file and record the certificate, and thereupon give written notice of their election to the persons so returned. No person shall be eligible to the office of trustee unless he shall be a qualified elector and a freeholder of the town. The trustees shall, unless they resign, decease or be removed, continue in office until their successors shall be chosen and qualified. If a vacancy shall happen in the office of any trustee, the president and remaining trustees shall appoint some person to fill the same, until a successor shall be elected and qualified.

SEC. 5. The stated meetings of the president and trustees shall be held on the first Monday of each month in the year, and special meetings may be called at such times as the president or a majority of the trustees shall appoint, upon giving reasonable notice thereof to each of the other trustees, who may be within the town at the time. A majority of the trustees shall at all times constitute a quorum. At their first meeting after their election, they shall be sworn into office, and shall thereupon elect one of their own number to be president of the town, whose duty it shall be to preside at all their meetings, to sign the record of their by-laws, ordinances and other proceedings, and to give the trustees information of the interests of the town, and recommend such measures as he shall think necessary: he shall be a peace officer within the town, and especially see that all its by-laws and ordinances are faithfully executed, and its welfare carefully promoted. If the president shall be absent at any time, a president pro tempore may be appointed in his stead.

SEC. 6. The president and trustees shall elect a clerk, treasurer, assessor, and marshal, each of whom shall, unless removed, serve until his successor shall be chosen and qualified. They shall severally possess the same qualifications as trustees, take an oath for the faithful discharge of their respective duties, and give bond payable to the president and trustees, in such penalty and with such security as they shall approve, conditioned for their faithful performance of their respective duties. And if judgment shall at any time be entered upon any such bond against the makers, no stay of execution shall be allowed thereon. They shall also receive such reasonable compensation for their services as the president and trustees shall appoint.

SEC. 7. The clerk shall keep a record of all the by-laws, ordinances and other proceedings of the president and trustees, and a copy thereof certified by him under the seal of the town, shall be sufficiently authenticated to be admitted as evidence in any court of this State. He shall also be the keeper of the seal, records and files of the corporation. The treasurer shall have the custody of all moneys of the town, and pay over the same to the order of the president and trustees; he shall also report to them the condition of the treasury, at their stated meeting in January of every year, and at such other times as they shall specially direct.

SEC. 8. The president and trustees shall have power to assess annually, against each male inhabitant of the town, who shall be twenty-one years of age, sane and not a pauper, a poll tax, not exceeding fifty cents, and upon all lands, tenements, hereditaments and the appurtenances thereto belonging, and upon such goods and chattels, as they shall from time to time appoint, a tax, not exceeding three-fourths of one per cent. on the full value thereof.

SEC. 9. The president and trustees, on or before their stated meeting in February of each year, shall determine what goods and chattels, if any, shall be assessed and taxed, and thereupon the clerk shall forthwith make and deliver to the assessor a copy of the assessment roll of the previous year, together with a precept under seal of the corporation, commanding him in the name of the president and trustees, on or before the first Monday in May then next, to make and return to the president and trustees a complete list of all persons liable to the poll tax aforesaid, and of all lands, tenements, and hereditaments, and of all such goods and chattels liable to be assessed and taxed by the determination as aforesaid of the president and trustees, with the names of all the owners, and a just valuation of all such property. The assessor shall execute and return such precept according to the command thereof, carrying said list in the alphabetical order of the names of the persons respectively liable for the taxes. And every such assessment shall be made or taken as if made on the first Monday of April annually from which time the taxes of this [the] current year, shall be a lien upon the property assessed, and a charge against the then owners of such property, until the same shall be paid.

SEC. 10. On the first Monday in May annually the president and trustees shall determine the rate per centum of the tax, to be levied on the assessment made as aforesaid, and thereupon the clerk shall forthwith make and deliver to the marshal a list in alphabetical order of the persons named in the assessment roll and the amount of tax of the current year and of the delinquent taxes of the preceding two years, chargeable against each, specifying whether the same is a poll or property tax, and if the latter, concisely describing the property together with a precept under the seal of the corporation, commanding the marshal in the name of the president and trustees to collect the taxes charged in said list, by demanding payment of the persons charged therein, or by distress and sale of their goods and chattels severally, or of the lands tenements and hereditaments mentioned in said list, and that he return said precept and list, and pay over to the treasurer the moneys so collected, on or before the first Monday of December then next.

SEC. 11. The marshal shall on or before the first Monday of September, demand payment of the taxes respectively of the persons charged therewith, or at their most usual residence, and upon payment to him of any tax, he shall give a receipt therefor, specifying the year and amount of tax. If any tax shall not be paid on or

before the first Monday of September, the marshal shall collect the same by distress and sale of the goods and chattels of the person charged therewith, or of the goods and chattels found on the lands, tenements and hereditaments upon which the unpaid tax, was assessed, giving six days notice of such sale by written advertisement put up in three of the most public places in the town.

SEC. 12. If no goods or chattels can be found out of which to make the taxes due on any lands, tenements and hereditaments, the marshal after having given four weeks notice thereof in a newspaper of the town, and by written advertisements, put up at the court house door, shall on the second Monday of November, between the hours of ten in the forenoon, and four in the afternoon, proceed to sell at public auction before the court house door, the rents and profits of all such lands, tenements and hereditaments as are charged with unpaid taxes, for the shortest time the same can be sold for, and having an amount sufficient to pay the taxes charged thereon, and the costs of sale. And the marshal shall give the purchaser a certificate of such sale, which shall describe the property sold, and specify the amount of taxes and costs and the time for which it was sold; such certificate, if all proceedings relating to the tax and sale shall have been regular, shall vest in the purchaser an indefeasible title to the property, for the time therein specified, and it shall be *prima facie* evidence of the regularity of the marshals proceedings in relation to the sale; *provided however*, that any person interested therein may redeem the property so sold, by paying to the purchaser, or the clerk of the corporation for such purchase at any time afterwards, the amount for which the same was sold, together with fifty per centum thereon, and all taxes which have accrued thereon subsequent to the sale and been paid by the purchaser.

SEC. 13. The marshal besides the cost of printing shall be allowed ten per centum on all taxes collected by distress and sale of either real or personal property, to be paid out of the proceeds of the sale as a compensation for his trouble in making such sale; and he shall specify in his return to the precept what taxes have been collected by distress and sale, and describe the property sold and name the purchaser, and the amount and time for which [the] same sold; also what taxes if any remain unpaid for want of property, out of which to make the same, and he shall moreover make oath that his return is just and true, to the best of his knowledge and belief, which oath shall be endorsed on the return. The marshal shall also give notice to the president and trustees, of all omissions or other mistakes in the assessment and tax rolls, which may have come to his knowledge.

SEC. 14. The president and trustees shall at all times have full power to refund any moneys wrongfully collected as taxes and to correct any assessment or tax list, by adding thereto or subtracting therefrom, as to them shall seem right.

SEC. 15. The president and trustees shall also have power at the

expense of said town, to make all necessary wharves, piers, docks, harbours and other improvement along the shore and in the channel of the Ohio river in and adjoining said town, to regulate the rate of wharfage and collect the same; to make, alter, repair, graduate, and pave all such streets, alleys and side walks, as they shall deem necessary; to prescribe the situation, width and direction of all streets, alleys and side walks in any proposed addition to the town; to have and maintain a ferry across the Ohio river opposite to the town; to borrow money on the credit of the town, and to pledge any of its property for the payment of the same; to regulate, and if they see proper, to prevent the interment of deceased persons within the town; to abate and prevent the creation of public nuisances and to define and declare what shall be a public nuisance; and for the purpose of abating and preventing public nuisances, their jurisdiction shall extend one half mile beyond the limits of the town; to do all things necessary to prevent the introduction of infectious diseases and preserve the health of the town; and for this purpose, their jurisdiction shall extend one half mile beyond its limits, and they may if they deem it proper, appoint a board of health, which shall have as ample powers for the preservation of the public health, as the president and trustees have; to procure fire engines, and hose and other apparatus; organize fire and other companies, regulate or prevent the erection of wooden buildings in such parts of the town, as ought not to be endangered thereby; and take all other usual and proper measures for extinguishing or preventing fires, to require the citizens to provide themselves with fire buckets, to regulate the sweeping of chimneys, the storage of gun powder and other combustible and dangerous articles, to sink wells and cisterns, and provide for supplying the town with good and wholesome water; to provide for lighting the streets of the town; to establish a night watch with power to arrest all persons found in the town, violating any criminal laws of this state or any by-law or ordinance of the president and trustees, and carry such person before the recorder or a justice of the peace for examination; to establish markets, and make all necessary regulations for the same; to appoint measurers, guagers, weighers and inspectors to ascertain the quality and quantity of flour, meal, beef, pork, and other provisions, wood, timber, coal, and hay, and inspectors of weights and measures, and regulate their fees; to license porters, carts, wagons, hacks, and other vehicles plying in the town for hire, and prohibit those not licensed; to regulate auctions, to assess and collect an annual tax on the owner or keeper of every dog in the town; to suppress gaming houses and houses of ill fame, and to preserve order and the public peace, by preventing intoxication, immorality, quarreling, fighting, rioting and other disorderly conduct in the town; and they are hereby authorized to make all by-laws and ordinances, and do all other things necessary to carry the foregoing powers fully into effect.

SEC. 16. Whenever the owners of two thirds of the whole num-

ber of feet owned by residents on any street or part of a street, shall by petition represent to the president and trustees, that they are desirous of grading, paving or otherwise improving such street or part thereof, at the expense of the owners of the lots adjoining such contemplated improvement, and shall show therein what lots, or parts of lots are owned by each petitioner, it shall be the duty of the president and trustees to cause such improvement to be made as nearly according to the wishes of such petitioners as may be consistent with the general interests of the town; and they shall cause said petition to be recorded, and assess the expense of such improvement equally per foot upon the owners of lots adjoining the same; which assessments shall be a lien upon the lots until paid, and a copy of said assessment shall be forthwith made by the clerk and handed to the marshal, together with a precept under the seal of the corporation commanding him in the name of the president and trustees, to collect such assessments by demanding of the persons charged therein, or by distress and sale of the lots or parts of lots named therein according to exigency, and that he pay over the monies so collected and return said precept and copy of assessment within four months, and the marshal shall forthwith demand payment of such of the persons charged therewith, as reside at the time in the town, and if any of said assessments shall at the end of two months remain unpaid, he shall proceed to make the same by sale of the lots or parts thereof upon which the assessments are charged; and in making such sale he shall in all respects be governed by the regulations herein, for the sale of lands for taxes, and the purchaser shall obtain a like certificate and title, and all persons interested therein shall have a like right of redemption as in case of sale for taxes.

SEC. 17. The president and trustees shall have power to grant a license to retailers of spirituous liquors, and to persons wishing to exhibit for gain any animal, wax figure, or other natural or artificial curiosity, or any feats of horsemanship, circus riding, tumbling, vaulting, rope or wire dancing, legerdemain or ventriloquism, upon their paying to the treasurer of the town, a sum of not less than five dollars nor more than ten dollars for the year to such retailers, or for the single exhibition to the exhibitors of such shows; and if any person shall without having first obtained such a license from the president and trustees sell at retail any spirituous liquors or exhibit any such shows for gain as are aforesaid, in the town or within one half mile from the limits of the same, such person shall forfeit and pay a penalty of not less than ten dollars nor more than fifty dollars, for the benefit of the town, to be recovered by action of debt.

SEC. 18. At the election in April 1836, and at the election in January of every third year afterwards, a recorder of the town shall be chosen in the same manner and having the same qualifications as trustees, who shall be sworn and give bond with security in the penalty of one thousand dollars payable to, and to be approved by the

president and trustees, conditioned for the faithful performance of the duties of his office, and he shall continue in office until his successor shall be chosen and qualified. In case of the vacancy of the office the president and trustees shall appoint a time and give notice for the election of a successor.

SEC. 19. The recorder shall have the same jurisdiction and power in both civil and criminal cases which justices of the peace have, if the causes of action or of complaint shall have arisen, or the defendant or one of the defendant shall be found within the town, or on the Ohio river opposite thereto; and in cases concerning public nuisances, or retailing spirituous liquors, or exhibiting shows for gain he shall have like jurisdiction and power, if the cause of action or of complaint shall have arisen, or the defendants or one of them shall be found within one half mile of the limits of the town, and he shall have jurisdiction in all suits brought for the violation of any by-law, ordinance or regulation of the president and trustees. He shall also have the same power to issue process for carrying his jurisdiction into effect, shall proceed in the same manner and be entitled to the same fees as justices of the peace; he shall keep a docket, which in all respects shall have the same effect as the docket of a justice of the peace, and the parties to any suit before him, shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the suit were pending before a justice of the peace.

SEC. 20. It shall be the duty of the marshal to serve and return all process issued by the recorder, and his power for this purpose shall be co-extensive with the county of Floyd; he shall attend all trials before the recorder, shall be entitled to receive the same fees as constables for like services, and shall be a peace officer within the town. In case of the absence or inability of the marshal, the recorder may direct process to any constable of New Albany township, who shall serve and return the same.

SEC. 21. No person shall be incompetent to be a witness in suits for the violation of any by-law or ordinance of the president and trustees, because such person is a citizen of the town.

SEC. 22. The times herein before stated when elections shall be holden and certain other acts shall be done, are directory only, (except the time of selling lands for taxes,) and no elections or other act shall be void, because the same was not holden or done on any particular day, if the notice herein required shall have been given. All by-laws and ordinances of a public nature, made by the president and trustees, shall be in force as soon as a copy thereof, certified by the clerk under the seal of the corporation shall have been published for ten days in a newspaper of the town, or posted for such length of time in three of its most public places.

SEC. 23. The rights and privileges herein granted shall not be taken away or affected by any law hereafter to be made, unless the corporation hereby created, act, and be judicially noticed and liberally construed by all courts of this

CHAPTER XIV.

AN ACT to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the president, acting president and trustees of the town of Evansville, to wit. Amos Clark, President, James Cawson, Alanson Warner, Marcus Sherwood, and Wm. M. Walker, and their successors in office, as herein provided, shall be and they are hereby declared to be a body politic and corporate forever, by the name and style of the president and trustees of the town of Evansville and by that corporate name and style shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of competent jurisdiction, to make use and have a common seal, and the same to amend and alter at pleasure; a full description of which shall be entered of record in the minutes and journals of said president and trustees.

SEC. 2. The president and trustees shall have power to ordain, order and establish, and put into execution, such by-laws as they may deem proper and necessary for the convenience of said corporation, and also adopt and put in force, such laws ordinances and regulations as they shall from time to time deem necessary for the police and good government of said town hereby incorporated, subject to the restrictions, limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this State or the constitution and laws of the United States.

SEC. 3. Said president and trustees shall lay off said town into five wards, and on the first Monday in June, A. D. eighteen hundred and thirty six and annually thereafter, there shall be an annual election held at the court house in said town, or at some other convenient place, to be designated by said president and trustees in said town, to elect by ballot five trustees, the electors of each ward voting separately and distinctly for one trustee from the several wards, at which election each white male inhabitant of said town, who by the laws of this state, is, or shall be entitled to vote for a state or county officer, and who shall have resided within the corporation of said town three months next preceding said election, shall be entitled to a vote, ten days notice of said election shall be given by order of said president and trustees, by publishing the same in a public newspaper in said town, or by posting at least one copy of said notice in a public place in each ward of said town. *Provided however,* that nothing herein contained shall be so construed as to prevent said president and trustees from altering the boundary or number of said wards, or the number of trustees so that the number of wards shall never be less than three, nor the number of trustees less than five nor more than twelve.

SEC. 4. The president of the said corporation shall act as inspector of elections, he shall call to his assistance two other qualified electors, who with himself shall be judges of said election. They shall appoint a clerk and having taken an oath or affirmation, faithfully to discharge their duties [as] judges and clerk, shall proceed to receive votes for twelve trustees, between the hours of ten o'clock A. M. and four o'clock P. M. on said days provided. *Provided however,* that if the president should not be present, the qualified electors shall, in that case choose one of the other trustees; and if neither of the other trustees should be present, then one of the electors present, to act in his place at such election: *And provided also,* that if the electors shall fail to meet and elect trustees at any election hereby provided for, the corporation, thereby, shall not be dissolved, but the trustees in office shall continue until others are elected at an annual election: it shall be the duty of the judges of such election, to certify under their hands and seals, the names of the persons, who shall have received the highest number of votes, designating therein the ward they are elected to represent; which certificate shall be filed among the papers and spread on the records of said incorporation by the clerk, whose duty it shall be to deliver a copy thereof to each of the persons returned elected, which certificate with the oath or affirmation of said trustee elect endorsed thereon, taken before some person authorized to administer the same, that said trustee elect will faithfully, impartially and to the best of his ability, discharge the duty of such trustee, shall be sufficient authority for such person to take his seal as trustee of said incorporation.

SEC. 5. The trustees thus elected and qualified shall meet and elect one of their body as president, of their body, as president to preside at their meetings; but in case of his absence, a president *pro tempore* may be appointed. No person shall be eligible to the office of trustee, unless he is a qualified elector and a freeholder within the bounds of the corporation, nor shall any person hold said office any longer than he resides therein. When vacancies happen by death, resignation, or otherwise, such vacancy shall be filled by appointment by the president and trustees, until otherwise filled at an annual election. A majority of the trustees shall at all times form a quorum; they shall regulate their own times of meeting; shall appoint a clerk, treasurer, marshal and town surveyor, and such other officers as they deem necessary to carry into effect the provisions of this act: and so far as is not herein provided shall define the powers and duties, and shall make such compensation for their services, as to them shall appear reasonable and proper, which officers so appointed shall hold their offices during the pleasure of said president and trustees. It shall be the duty of the president to sign the record of all the by-laws, ordinances, journals and minutes of the proceedings of said president and trustees, which shall also be attested by the clerk of the corporation; and all by-laws, ordinances, rules and regulations of a public nature signed by the president and attested by the clerk, after a copy

thereof shall have been posted up in three public places in said town ten days, or published in a newspaper printed in said town shall be deemed to be in force: *Provided* that an order of the president and trustees shall be entered on their journals after such publication, declaring such ordinance to be in force, which order shall be sufficient evidence that such publication was duly made, and all other ordinances, by-laws, orders, rules or proceedings of said president and trustees, shall be in force when signed and attested as aforesaid, and a transcript of any of said ordinances, by-laws, orders rules or proceedings of said president and trustees, when signed and certified by the president and attested by the clerk, and under the seal of the corporation, shall be taken and received *prima facie*, as evidence within any court within the state.

SEC. 6. The said president and trustees, shall have full power and authority to assess and cause to be collected from each male inhabitant of said town, of full age sane, and not a pauper, each year, a poll tax, also a tax on all real and personal property of any and every description, and also a tax on any business, trade, occupation or profession, or upon all shows exhibitions or amusements, which may be performed or exhibited for gain: *Provided*, that said president and trustees may adopt an *ad valorem* system of taxation, on all property, or capital lying, owned, kept or employed, within said corporation, or otherwise a specific mode of taxation, naming every article taxable, and the amount to be assessed on each, as said president and trustees may think most advisable. *Provided also,* that a poll tax shall not exceed fifty cents, nor specific tax on land or town lots, of more than one half per cent. on their valuation, exclusive of improvements except the whole number of trustees present at the meeting, laying such tax, shall concur therein, and sign the minutes of their proceedings. And in the assessment and collection of the annual revenue or any other assessment whatever, the assessor, collector and all other officers concerned therein, shall be governed by such rules, regulations, by-laws and ordinances, as shall be prescribed by said president and trustees regulating the same.

SEC. 7. The said president and trustees shall have power, whenever they think it advisable or expedient, by themselves or agents at the public expense, to make any road or roads in such manner as they may deem expedient along the shore or bank of the Ohio river, in front of said town; to construct in like manner any road or street leading to said river and to grade, pave or otherwise improve the banks thereof; also to build, construct and make docks, piers, wharves, basins or harbours on all or any of them, along said river; also, to alter in width, by contracting or extending any of the streets, side-walks or alleys or otherwise improving the same; and to erect and build any market house, public building or other improvement within the bounds of said corporation, deemed necessary for the public good; *Provided*, that if any of said improvements shall injure any of the vested rights of any individual or individuals, company or body corporate whatever, satisfaction shall be made to the party

injured or aggrieved in manner provided by the ninth section of this act and not otherwise; *Provided also*, that said president and trustees shall have power to assess and collect at any time special taxes, for any of the improvements contemplated by this act, in such manner as hereinafter provided, and as shall be otherwise directed by the orders, regulations, by-laws or ordinances of said president and trustees.

SEC. 8. The said president and trustees shall have power to provide by their ordinances for compelling the owner or owners of any lot or part of lot to grade and pave the street or streets and sidewalks adjoining to and fronting the same, within such periods as they may prescribe; and on such owner or owners failing to do so, when notified according to the provisions of said ordinance or ordinances, such grading and paving may be done, by the corporation; and such lot or part of lot, or so much thereof as may be necessary for that purpose, may be sold to pay the expense, in such manner as may be provided for by said ordinance or ordinances.

SEC. 9. Before commencing any of the public works [or] improvements particularly contemplated by the seventh section of this act the said president and trustees shall order a survey to be made by order and under the direction of the town surveyor, who shall report thereon to the said president and trustees; a copy of which report shall be published in a public newspaper printed in said town, or posted up in each of the wards, where said improvements are proposed to be made in as many places as shall be ordered by said president and trustees; and in all cases where the owner or owners of any property affected by such works shall feel aggrieved or injured by the construction of any work, made or proposed to be made, in pursuance of the provisions of this act, such owner or owners shall make out a complaint in writing particularly describing the injury of and interest of such complainant or complainants therein and file the same with the clerk of the corporation, who shall at the first regular meeting of the president and trustees, thereupon appoint three disinterested persons to appraise and assess the damages of the complainant or complainants. The said president and trustees shall fix the time and place of meeting of said appraisers; and after being duly sworn to do impartial justice, between the complainant or complainants and said president and trustees, shall proceed to assess the damages, and make out their award in writing, within thirty days thereafter; which shall be signed by at least two of said appraisers and filed with the clerk of said corporation, which was [sum] so awarded by said appraisers or settled by the decision of a court as herein provided, shall be paid to the party injured before the work further progresses; *Provided*, that either party may within thirty days after the award of said appraisers is made, appeal to the circuit court, under the same restrictions and regulations as is provided for appeals from

judgments of justices of the peace, except that no bond shall be required of the corporation, in case it may be the party appealing; and on such appeal being taken, the president shall take the necessary appeal bond in a sum, in his opinion, sufficient to cover twice the amount of costs; and the clerk shall make out a transcript of all papers relating to said appraisal, including said complaint, in the same manner as is provided for, in transcripts in appeals from judgments of justices of the peace; which transcript shall be signed by the president and attested by the clerk; and in the decision of the appraisers, court, or jury they shall take into consideration the benefit and advantages resulting from said proposed works or improvements to the complainant or complainants, as so much of an offset against damages resulting therefrom.

SEC. 10. The said president and trustees shall also have power to make and enforce all necessary by-laws, ordinances and regulations to preserve order; regulate and establish markets; to procure the necessary engine and apparatus to guard against destruction by fire, and to impose such obligations and restrictions upon individuals, as in their opinion shall be calculated to accomplish such purposes; to organize fire companies, preserve public property, regulate the manner of using docks, piers, harbours, basins and other improvements or either of them, regulate the rate of wharfage, and to collect the same, to prevent the erection, creation, or continuation of nuisances, and cause the same to be removed or abated, either by the corporation or the persons erecting or continuing the same, in such manner as shall be prescribed by the by-laws or ordinances of said president and trustees; and also from time to time to define and declare, what shall constitute or be considered a nuisance; and for the purpose of preventing nuisances, the said president and trustees shall have jurisdiction, one half mile beyond the limits of the town, in the same manner as within the bounds thereof.

SEC. 11. The bounds of the corporation shall embrace the entire plats of the town, to wit: the original plats of the donation, enlargement, the upper enlargement and lower or McGary's enlargement of said town; and whenever the owner of any lot or other land lying adjoining said town shall be desirous of having the same included within [the] corporation, such owner shall so express his, her or their wishes by petition to said president and trustees, and shall be spread on the records of said corporation; and if a majority of all the trustees shall consent thereto, an order shall be made to that effect, and from thence said out lot or other lands shall be embraced within the limits of said corporation, and the owner or owners and occupiers thereof subject to the same rules and regulations as if the same were embraced within the limits of said town; and all future enlargements of said town when platted, and said plat is recorded, shall also thereby be embraced in and form a part of said corporation, and the same together with the persons residing thereon shall be sub-

ject to the like rules, laws, ordinances and regulations at [as] that part embraced within the boundary of said town.

Sec. 12. The said president and trustees now in office, and named in the first section of this act, shall continue to discharge their respective duties as such, under the provisions of this act until succeeded by trustees elected at an annual election, as herein provided; and they and their successors shall be capable of holding by purchase, donation or bequest any amount of personal or real property that may be thought advisable for the welfare or convenience of said town; and all property personal or mixed now owned by said corporation or in the hands of said president and trustees shall inure to and be owned by the body corporate, created by this act, and all by-laws, ordinances, rules and regulations made or passed by the president and trustees named in the first section of this act, and all other ordinances not thereby otherwise repealed and not inconsistent with this act or the laws of this State or the United States shall stand and be considered as by-laws, ordinances, rules and regulations of the corporation hereby created until repealed, altered or amended by the president and trustees of said town.

Sec. 13. That it shall not be lawful for any person or persons within the bounds of the corporation, either by himself or agent to sell at retail by a less quantity than a quart at a time any spirituous liquors foreign or domestic or keep what is commonly called a tippling house, unless such person or persons shall in addition to such license or licenses otherwise provided for by the laws of this state, obtain a license or permit from the corporation which is hereby authorized at a regular meeting of the president and trustees to grant the same for one year or less if they may see proper; or in the recess of their meetings, the president or clerk may grant a permit until such regular meetings; for which the person or persons obtaining the same shall pay to the treasurer of the corporation such sum or sums as shall from time to time be fixed upon by said president and trustees in their by-laws and ordinances; and if any person shall violate the provisions of this act, in this section contained, the person or persons so offending, on conviction thereof, upon presentment or indictment before any court having competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars, nor less than five dollars for the use of the county seminary; and all other fines or forfeitures for the violation of any of the by-laws, ordinances, rules or regulations of said president and trustees shall be sued for in the corporate name of said corporation, by action of debt before any court having competent jurisdiction, or otherwise as is provided for by this act.

Sec. 14. For the better regulation of said corporation, and the good government of said town, the said president and trustees may pass such by-laws and ordinances regulating their own conduct and imposing such fines upon members for a breach of any of their rules or regulations, as they may conceive conducive to public good; and

a majority of all the trustees elect may expel a trustee for improper or disorderly conduct; and also to pass and adopt laws or ordinances for the suppression and punishment of immoral or indecent conduct, intoxication, gambling or gaming, rioting or whatever may detract from the good order of society.

Sec. 15. The president shall have the same power to issue under his private seal and the marshal to serve process in any manner relating to any of the violations of any of their laws and ordinances, rules and regulations of the president and trustees, and to carry the same into as full effect as justices of the peace and constables have now or may hereafter have to carry into effect any process issued by virtue of any law of this state; and shall be entitled to receive and authorized to demand and collect the same fees, that are or shall be allowed to justices of the peace and constables for the performance of similar services. The president when officiating as authorized in this section shall keep a record of his proceedings from which an appeal may be taken in the same manner, as from the judgments of justices of the peace; which record of said president or a copy thereof, certified by him with his private seal annexed, shall be evidence in any court in the same manner as the records and proceedings of justices of the peace in similar cases.

Sec. 16. The marshal shall be the collector of all the levies of said corporation of what nature soever, unless otherwise expressly provided by the ordinances of said president and trustees, he shall serve all process and orders directed to him by the president or president and trustees, except he shall be absent, sick or interested in the same, in either of which cases such orders and process shall be directed to some other suitable person, who shall thereby have the same power as the marshal. The marshal shall be a peace officer, and it shall be his duty to report to the president all violations and infractions of any of the penal regulations of the corporation which may come to his knowledge so far as he shall be required by the ordinances of said corporation.

Sec. 17. It shall be the duty of the keeper of the jail of Vanderburgh county to receive into his custody, any prisoner or prisoners, who may from time to time be committed to his charge under the authority of said president, and to safely keep every such prisoner or prisoners according to the warrant or precept of commitment, until he she or they shall be discharged by due course of law.

Sec. 18. This act shall be deemed and taken to be a public act, shall be construed favourably for every beneficial purpose and shall take effect and be in force from and after its passage.

CHAPTER XV.

AN ACT to amend an act entitled "an to incorporate the town of Leavenworth," approved February 7, 1835.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business for Crawford county be, and they are hereby authorized to order one additional justice of the peace to be elected by the qualified voters of the town of Leavenworth in Crawford county.

SEC. 2. The justice of the peace when elected under the provisions of this act, shall have the same power and jurisdiction as other magistrates in Crawford county, and shall be president of the board of trustees of the town of Leavenworth, and shall have the same powers and be subject to the same liabilities, as if he had been elected president of said board according to the provisions of the act to which this is an amendment.

SEC. 3. At the next annual election of trustees for the town of Leavenworth, and every subsequent election, there shall be elected four trustees in the place of five, and those four having the highest number of votes given, shall be declared duly elected.

SEC. 4. Whenever a vacancy may happen in the office of magistrate provided for by this act, either on account of his removal without the bounds of the corporation of said town, or any other cause, it shall be the duty of the proper officers in said county, forthwith to order an election to fill such vacancy.

SEC. 5. All laws and parts of laws coming within purview of this act, be and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER XVI.

AN ACT to incorporate "the Western Scientific and Agricultural College.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That a college for the education of youth, in general science, literature and agriculture, to be known by the name and style of "the Western Scientific and Agricultural College," is hereby authorized to be established at such place in the State of Indiana as the board of trustees named in this act, may select for the establishment thereof.

SEC. 2. For the government of said institution, there shall be appointed a board of trustees of nine persons, to whom the board at any

regular meeting, may add six more, who shall be constituted a body corporate and politic, by the name of the "Trustees of the Western Scientific and Agricultural College," and in their corporate name and capacity, shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court of record.

SEC. 3. The said trustees shall fill vacancies in their own body between the periods of their regular appointment; they shall elect a president, secretary, treasurer, and such other officers as may be necessary for the order and good government of said institution, and shall be competent at law and in equity to take to themselves and their successors, in their said corporate name, any estate, real, personal or mixed, by gift, grant, bargain, sale, devise or bequest, of any person or persons whomsoever, and the same to sell, convey, let, put out at interest, or otherwise dispose of, for the use of said college, in such manner as to them may seem most beneficial to the interests of the institution, and to receive the rents, profits and interest thereon, and apply the same to the proper use and support of the said college; and generally in their corporate name, shall have full power to transact all business touching or concerning the premises, or which shall be incidently necessary thereto, as fully and effectually as any natural person, body politic or corporate, may or can do in the management of their own concerns; and to hold, enjoy and use the rights, powers, and privileges of bodies politic and corporate, in law and in equity. They may have a common seal under which all deeds, diplomas, certificates and acts of said corporation may be authenticated.

SEC. 4. The trustees hereafter [hereinafter] appointed shall meet at Indianapolis at such time as they may agree upon, and shall take oath or affirmation faithfully to discharge the duties assigned them by this act, and proceed to organize the board by electing a president, secretary and treasurer of the board, which officers shall hold their offices one year, and until their successors shall be chosen; and the treasurer so elected shall give bond to said trustees in such sum and with such securities as the board shall approve, conditioned for the faithful discharge of his official duties. A majority of the trustees shall constitute a quorum.

SEC. 5. The trustees when organized, shall have power to adopt by-laws, rules, and regulations for the good government of the college and the regulation of their own body; *Provided* the same be not inconsistent with the laws or constitution of this State. They shall also have power to fix the times and places of their own meetings, and the manner of giving notice thereof. They shall have power, as the interests of the institution may require, to elect a president of said college, and such professors, tutors, instructors and other officers and servants of the same, as they may judge necessary for the interests thereof, and shall determine the duties, salaries, emoluments, responsibilities and tenures of their office, and prescribe the course of instruction in said college. They shall also have power to remove

any of their own body for breach of the by-laws, misconduct or immorality, and may at any time, when in their judgment the good of the institution requires it, remove any of the officers of said college or corporation, and appoint others in their stead.

SEC. 6. The president, professors and tutors shall be styled the faculty of said college; which faculty shall have the power of enforcing the rules and regulations adopted by the trustees for the government of the students, by rewarding, admonishing, censuring or suspending them, as necessity may require, until the action of the trustees shall be had on such cases; and of granting and conferring, with the approbation of the trustees, such degrees in the liberal arts and sciences, as are usually conferred, or as may be due to the merits of students or other applicants; and to grant unto such graduates diplomas or certificates, under the common seal, and signed by the faculty of said college: *Provided however.* That no such degrees other than certificates setting forth the proficiency of students who may previously leave the institution, shall be conferred until the said college shall be able to employ at least three professors and tutors, including the president: *And provided also,* That the degrees and honors of the college shall not be withheld in any case, on account of any deficiency of the applicant, in the learning and knowledge of the ancient classics, provided he shall have made suitable proficiency in the useful arts and sciences.

SEC. 7. The institution shall be conducted on christian principles but no trustee or student shall be required to profess the religious opinions of any particular denomination, nor shall any professor or other officer of the college, while acting as such, hold the office of trustee.

SEC. 8. The capital stock, or fund by which said institution shall be established and supported, may be extended to any amount that may be necessary to carry into effect the objects of this institution, and shall be made up of such sums as shall be subscribed or donated by individuals, associations, or by the State, and shall be divided into shares of twenty dollars each; and each individual, association or body, shall be entitled to such proportion of the benefits of said institution, as his or their stock therein, bears to the whole amount of stock; and each share of stock as aforesaid, shall entitle the owner to one vote for trustees; which vote may be given either in person or by proxy, at the option and convenience of the owner thereof: *Provided,* That any body or association holding shares in said institution, equal to one fourth of the whole stock thereof, may appoint such number of trustees as shall be equal to their proportion of stock; and provided also, that any such body or association taking stock in said college, or any individual making a donation thereto, shall be allowed to designate the particular object within the general scope of the institution, to which his or their stock or donation shall be applied. Stock in said institution shall be transferable on such conditions as the trustees may agree upon.

SEC. 9. The trustees hereinafter named shall appoint a meeting of the stockholders at such time and place as they may agree upon, within one year after their appointment, of which they shall give sufficient public notice, at which meeting individual stockholders, and associations (whose amount of stock does not entitle them, agreeably to the eighth section of this act, to elect trustees separately,) shall meet and elect by ballot the requisite number of trustees, who shall hold their offices for two years, and until their successors shall be chosen: *Provided,* That should individual stockholders and bodies or associations as aforesaid fail to appoint or elect trustees, at the regular period designated for that purpose, the trustees at the time in office, shall continue to perform the duties of trustees until successor shall be appointed or elected agreeably to the provisions of this act.

SEC. 10. So soon as a sufficient sum shall be received, the trustees shall proceed in person, or by agent or agents, to select and purchase a suitable site for said college, including land for a model and experimental farm, and shall erect or cause to be erected, the necessary buildings for the accommodation of said institution. They shall also, as they receive funds to enable them thereto, suitably improve and stock said farm, erect such work shops as they may deem necessary, purchase books, apparatus and other matters necessary for the college, appoint professors, tutors and president, and organize the institution: *Provided,* That so soon as the trustees shall consider the means of the institution sufficient to support one teacher, they shall cause the same to be commenced.

SEC. 11. The trustees shall prescribe the particular duties of their secretary, treasurer and other officers, and shall annually report the condition of the institution to the Legislature and shall also publish a statement thereof in some newspaper or newspapers printed in the State.

SEC. 12. That Morris Morris, T. P. Armstrong, N. B. Palmer, Wm. Young, John H. Sanders, John Clark, Whittington King, John Owens, and M. M. Henkle, shall be, and hereby are appointed trustees of said college and shall hold their offices until their successors shall be chosen agreeably to the provisions of this act.

This act to take effect and be in force from and after its passage.

CHAPTER XVII.

AN ACT to amend an act entitled "an act to incorporate the Crawford county Seminary," approved February 7. 1835.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* [That] it shall be the duty of the trustees of the Crawford county seminary, to collect all the funds due the Crawford county library as soon as they can legally; and if any of the funds due said library, have been paid into the county treasury, the trustees aforesaid are required to settle with the board doing county business in said county, and collect the same, but after such settlement no suit shall be instituted against said county.

SEC. 2. The trustees aforesaid shall locate said library in that township in said county they shall deem most conducive to the interest of the citizens of the county; and shall demand and receive all books, charts, and maps which now do or may hereafter belong to said library, and shall make a detailed account of the situation of the funds of said library, to the board doing county business in said county, at their May and January terms in each year.

SEC. 3. If the trustees aforesaid shall fail to do and perform any of the duties required by this act, they shall be fined in any sum not exceeding forty dollars, to be recovered, on complaint, before any court having jurisdiction of the same.

CHAPTER XVIII.

AN ACT to repeal an act entitled "an act to incorporate the Crawfordsville Seminary."

[APPROVED JANUARY 26, 1836.]

Be it enacted by the General Assembly of the State of Indiana, That "an act to incorporate the Crawfordsville seminary," approved January 4th, 1830, be and the same is hereby repealed.

This act shall take effect and be in force from and after its passage.

CHAPTER XIX.

AN ACT to Incorporate the Vincennes Academy.

(APPROVED JANUARY 23, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to this act, shall be, and they are hereby constituted a body corporate, by the name and style of "The Vincennes Academy," and by that name to sue and be sued, to defend and be defended in law and equity in all courts whatsoever, have and use a common seal, and the same to alter at pleasure, to purchase, to receive and accept of any grant, gift, donation, bequest or conveyance by any person, company or corporation, of any property, real or personal, and to hold, and enjoy, and dispose of the same as may be deemed best for the interest of said Academy; *Provided*, it shall not be lawful for said corporation to hold, or be the owner of real estate, exclusive of improvements, exceeding in value the sum of ten thousand dollars; and if by donation, devise or otherwise, it should become the legal or equitable owner of real estate of greater value the same shall be sold by said corporation, and that no particular religious sect, or particular persons, shall have preference in their admission to the privileges of said institution.

SEC. 2. That John Scott, Joseph Somes, Samuel Wise, William Burtch, John C. Clark and Abner T. Ellis, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation. The books to be opened before the first day of May next, reasonable notice being given of the time and place, each commissioner having authority to receive subscriptions.

SEC. 3. The capital stock of said corporation shall be ten thousand dollars divided into shares of ten dollars each.

SEC. 4. Whenever one hundred shares of stock of said corporation shall be subscribed, the commissioners shall cause to be inserted an advertisement in one of the newspapers printed at Vincennes, giving a reasonable notice of the time and place of the meeting of the stockholders to choose seven trustees, being stockholders of said corporation; as also a secretary and treasurer, to continue in office for the term of one year, and until their successors are chosen, each stockholder being entitled to one vote for each share of stock he may own, except in case of his being in arrear on account of tax that may have been assessed on his share or otherwise, when he shall be entitled to no vote.

SEC. 5. The stockholders after the first year shall have an annual meeting, on the first Monday in June in each year or such other time and place as the stockholders at their first or any regular meeting shall designate; at which meeting the officers of the corporation shall be elected for the ensuing year.

SEC. 6. The said trustees or a majority shall at their first or any subsequent meeting, elect of their own body a president who shall preside at all meetings of the trustees and stockholders, and in all cases have a casting vote.

SEC. 7. The treasurer before he enters upon the duties of his office shall execute a bond payable to the Vincennes Academy, in a penal sum not exceeding double the amount of funds that may probably come into his hands, in the discretion of the trustees, conditioned for the faithful performance of his trust, make a true report of the condition of the treasury to said trustees at least once a year, and as often as said trustees may require, and that he will pay over to the order of said trustees all the money that may come into his hands as such treasurer, and to deliver to his successor in office all money, bonds, notes, books, papers, and valuable things whatsoever that may come into his hands as such treasurer. It shall be the duty of the treasurer in the name of the company, to collect all tuition fees, taxes and contributions assessed upon the stockholders and dues whatsoever of the Vincennes Academy.

SEC. 8. Said trustees shall purchase a book in which the secretary shall record all their proceedings as also the proceedings of the stockholders, which shall be from time to time signed by the president and attested by the secretary.

SEC. 9. No money shall be paid over but upon the order of the trustees, entered of record as aforesaid, a copy of which order, certified by the secretary shall be sufficient authority for the treasurer to pay over the amount to the person in whose favor such order was made.

SEC. 10. The board of trustees shall have full power from time to time, to make such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state or of the United States, as shall be deemed necessary, for the welfare of said institution and to do all other acts in pursuance thereof, necessary for the prosperity of said Academy; and whenever they may think the occasion requires it, call a special meeting of the stockholders.

SEC. 11. Said trustees shall meet when and where and as often as they may deem necessary, and a majority of said board shall constitute a quorum for doing business; *Provided, however,* That in all cases when a meeting is held otherwise than on adjournment, the president shall give or cause to be given, notice of the time and place of such meeting to each trustee.

SEC. 12. Said trustees shall fill all vacancies occurring in the offices of the company until the regular meetings of the stockholders.

SEC. 13. It shall be the duty of the trustees of the Knox county seminary to give a lease of the same with the lot of ground thereto belonging, with its appurtenances, for a term not less than five, nor exceeding ten years, and from time to time renew the same, and the said trustees of said Vincennes Academy to accept of the same; which said lease shall have the following conditions, viz: That as

soon as the same can be put in order, the trustees of the Vincennes Academy, shall employ some suitable person or persons, to open a school of instruction in said seminary, confined to no particular branch of education, subject to the regulations of said trustees under the provisions of this act; and in case of a failure to continue said school at any time for the space of six months, said lease shall be void unless the reasons for such discontinuance, shall be deemed sufficient by the trustees of said Knox county seminary. And the said trustees of said Knox county seminary shall direct their treasurer after paying the debts that may exist against said seminary, to pay over to the order of the trustees of said Academy, all sums of money that may have accrued, or may hereafter accrue in his hands to defray all expenses that may from time to time accrue under the direction of the trustees of said Academy for the repairs and improvements of said seminary and lot, and in case a surplus fund shall accrue over and above those expenses, the same shall be subject to the control of said seminary trustees, who shall have it in their power if they deem it advisable, to have the same applied in support of a school in said seminary in such manner as they may prescribe; which orders shall be sufficient vouchers for said treasurer in his settlements.

SEC. 14. The trustees of said Academy, shall report annually, at the regular meeting of the stockholders the condition of such school, and give a detailed statement of the receipts and disbursements for the year preceding, a copy of which shall be furnished to the trustees of the Knox county seminary, and to the board of county commissioners of Knox county.

SEC. 15. There may be taught in said Academy any of the languages, sciences, fine arts, general literature and such other branches, or departments of education as the trustees may authorize; and whenever it shall be deemed practicable the trustees of said Academy may establish a female department under such regulations as they may think will ensure the greatest success and public good.

SEC. 16. Said trustees shall annually appoint a board of visitors of not less than three, nor more than seven, whose duty it shall be, under the direction of the trustees to examine the qualifications of the instructors, and examine the condition of the scholars who may attend said Academy, at the commencement and close of each term.

SEC. 17. The said trustees shall have power at any time to authorize the treasurer to receive, and by due course of law, to coerce the collection of any and all subscriptions to the capital stock or any portion thereof equally assessed on all in the name of the corporation, together with costs of suit, in any court of competent jurisdiction, and in case any stockholder shall continue in arrear, his privileges as such shall be suspended, and said trustees in their discretion may declare the same to be forfeited, after a lapse of six months, *Provided* in no event shall any stockholder be liable beyond the amount

of his subscription, and in no case shall the stockholders receive any more money by way of dividend on their share than what would be sufficient to reimburse them for the amounts they may have advanced on the same.

Sec. 18. The stock of said corporation shall be considered as personal property, and shall be assignable and transferable, agreeably to such rules and regulations as the board of trustees may at any time make and prescribe, *Provided*: That no transactions in capital stock shall be valid until the same be entered on the books of the corporation, nor until all or any claims which said corporation may have against said stockholders shall be liquidated.

CHAPTER XX.

AN ACT to incorporate the Parke county Seminary.

(APPROVED FEBRUARY 5, 1836.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel H. M'Nutt of Adams township, John M. Lafferty of Wabash township, Z. C. Hovey of Florida township, James Strange, of Racoон township, George K. Steele, of Jackson township, Thomas Wolverton, of Union township, Aaron Harlan of Green township, Salmon Lusk, of Sugar Creek township, David Shirk of Liberty township, William Cook of Reserve township, John M'Campbell of Washington township, and Matthew Noel, John Sunderland, and Tilghman A. Howard, of the town of Rockville, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The trustees of Parke county Seminary" with power to sue and be sued, plead and be impledged, contract and be contracted with, take and hold estate, real, personal or mixed, by gift, grant, contract, devise, bequest or otherwise; to have perpetual succession and a common seal.

Sec. 2. The trustees appointed by the first section of this act, shall continue in office until the first Monday in November, one thousand eight hundred and thirty six, and until their successors shall be qualified.

Sec. 3. At the session of the board doing county business for said county, next preceding the first Monday in November, 1836, it shall be the duty of the board to appoint a seminary trustee, for each township above named, and three residents of the town of Rockville in addition thereto, who shall before they enter upon the duties of their office, respectively take an oath, before some person duly authorized to administer the same, faithfully to discharge their duties as such seminary trustees; and such trustees so appointed shall be the trustees of Parke County Seminary, and successors of the trustees appointed by the first section of this act.

Sec. 4. The board doing county business, upon the appointment of trustees, as provided in the third section of this act, shall divide them into four classes as nearly equal as may be, and determine their numbers by lot, and make a record thereof, and the first class shall serve four years; the second, three years; the third, two years; and the fourth class one year; and in every instance until their successors shall be duly appointed and qualified. And the board doing county business, shall at their session next preceding the first Monday in November in each succeeding year, appoint a number of trustees corresponding to the number whose term of service will expire in such year, and the trustees so appointed, shall hold their offices for the period of four years, and until their successors shall be appointed and qualified.

Sec. 5. The trustees shall hold their meetings at such times and places as to them may seem proper, and the number of five shall constitute a quorum to do business.

Sec. 6. They shall elect a president, secretary and treasurer, from their own body, to continue in office during the pleasure of the board of trustees, or until the expiration of the period for which they may have been elected trustees of the seminary.

Sec. 7. The treasurer before he enters upon the duties of his office, shall execute a bond with sufficient surety, to be approved by the board of trustees, payable to the State of Indiana, in the sum of five thousand dollars, conditioned for the faithful performance of his duties, and for the delivery, to his successor in office, of all moneys, bonds, bills, notes, books, papers and all other things which may have come to his possession as the treasurer of said board of trustees.

Sec. 8. The treasurer after he shall have been so appointed and qualified, shall have the power, and it shall be his duty to demand and receive of all persons having moneys in their hands, belonging to the seminary fund of Parke county, all such moneys; and his receipt shall be a sufficient voucher therefor; and for all such moneys as shall not be paid over on demand, and for all sums that shall, from time to time, be recovered by any person whatsoever, for the benefit of said county seminary, the said board of trustees may sue in their corporate name, before any court having competent jurisdiction.

Sec. 9. The secretary shall keep in a well bound book to be procured for that purpose, an exact record of all the proceedings of the board, embracing all orders for the payment of money, and all other orders of any nature or kind whatever, relating to the said corporation or the business thereof.

Sec. 10. The treasurer shall keep a just account of all moneys received by him, in a book to be kept for that purpose, and of all moneys paid out, and on what account; and render an account of the receipts and expenditures of the corporation, to the board of trustees, or to the president thereof, at least ten days preceding each annual election of trustees; and such account shall be laid before the

board doing county business, at the session at which the election of trustees shall take place; and be filed by the clerk of the county amongst the papers of his office.

SEC. 11. No money shall be paid out by the treasurer except upon the order of the board, a copy of which shall be made out, signed by the president, and countersigned by the secretary.

SEC. 12. The board of trustees, after they shall have met and organized, according to the provisions of this act, shall have power to select a site, within the town of Rockville or in the immediate vicinity thereof, whereon to erect a county seminary, and to procure a title therefor, either by gift or contract; and when such site shall be procured, the trustees may cause to be erected thereon a building of such materials, construction and dimensions as to them may seem necessary to answer the purposes of a county seminary for said county.

SEC. 13. And should the seminary funds already collected, in said county, not be sufficient for the immediate completion of the building, said trustees shall have power to borrow money, on the faith of the seminary fund, redeemable, from time to time, as moneys belonging or accruing to the county seminary of said county shall be received: *Provided*, That the said trustees shall not allow a greater rate of interest than six per centum per annum for any moneys so borrowed.

SEC. 14. The board of trustees shall have power, from time to time, to make such by-laws, ordinances, and regulations, not inconsistent with the constitution and laws of this State or of the United States, as they may deem advisable for the good government of said seminary, the students, professors, or teachers thereof, and the same to put in execution, repeal, alter or amend, as to them may seem proper.

SEC. 15. In all cases where it may appear to the president, or to any three or more of the trustees, that a meeting should be held otherwise than on adjournment, it shall be the duty of the president to give notice to each trustee of the time and place of such meeting.

SEC. 16. The trustees shall have power to employ teachers, fix the rates of tuition and prescribe the course of instruction, but not so as to exclude any branch of education; and no part of the seminary funds shall be taken to defray the expenses incurred in the employment of teachers, until the sum of one thousand dollars shall have been expended in procuring a library for said institution.

SEC. 17. Whenever, from any cause, vacancies may occur in the board of trustees, they shall have power to fill the same by the appointment of suitable persons within the townships, or within the town of Rockville (as the case may be) wherein the vacancies may happen; and such trustees, so appointed, shall hold their offices until their places shall be regularly filled by the board doing county business hereinbefore prescribed.

SEC. 18. The board may, from time to time, allow the secretary

and treasurer such compensation for their services as they may deem just and reasonable.

SEC. 19. In all cases where money belonging to the seminary fund of said county shall have been, or may hereafter be received by any clerk, sheriff, justice of the peace, or other public officer, who shall have given bond and security for the faithful performance of his duties, it shall be lawful for the board of trustees to sue such officer therefor, in their corporate name, or to institute suit on such bond, against the principal and sureties at their election.

SEC. 20. This act shall be considered a public act and be liberally construed. It shall take effect from and after its publication in Parke county.

CHAPTER XXI.

AN ACT to incorporate the President and Trustees of the Rush county Seminary.

(APPROVED, FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Alley, Jesse Morgan, Roland T. Carr, Jonathan Shearman, Joseph Lowe, North Parker, Joseph Nicholas and their successors in office, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Rush County Seminary," and by the same corporate name may sue and be sued, plead and be impleaded, in any court or legal proceeding in this state; and by that name have perpetual succession. They shall in law, and by the said name, be capable of purchasing, holding, bargaining, selling, and conveying, any property either real or personal, for the use of said seminary, whether by legal or equitable title. They shall be further empowered to receive all and singular, any gift, subscription, grants, donations and bequests, which shall be solely appropriated to the use and benefit of the said seminary, in such manner as said trustees shall deem most profitable and expedient; they shall be entitled to and have a right to demand and receive all seminary funds or moneys which may be due by fine or otherwise, or which shall be due on or before the first day of August 1836, or which is now on hand.

SEC. 2. And the said trustees shall meet in the town of Rushville in said county, on the first day of June 1836, or upon any subsequent day that a majority of said trustees shall deem expedient, and determine [a] what place in said county such seminary shall be located, and a suitable building erected, a majority of said trustees agreeing thereto.

SEC. 3. Upon a majority of said trustees selecting and purchasing a suitable lot or parcel of ground to erect such a building for

the county seminary as aforesaid, as they may deem advisable, and having procured a conveyance thereof to them as such body corporate, they may demand, receive, and appropriate, all the seminary funds of said county, as are now or may be on hand, at any time on or before the first day of August, eighteen hundred and thirty six: *Provided*, such funds together with such voluntary subscriptions as may be raised, are amply sufficient to erect and complete such seminary building, and if said seminary funds, together with such money as may be obtained by subscription ordonations, are not deemed sufficient by a majority of said trustees, to erect and complete such building, they shall not demand, receive, and appropriate, said seminary funds to the above purpose.

SEC. 4. The said trustees or a majority of them shall at their first or any subsequent meeting, elect of their own body, a president and secretary, and also a treasurer, who shall not be of their body, to continue in office during the pleasure of said trustees, who shall at any time have power to remove either of them from office and to fill the vacancy.

SEC. 5. Such treasurer before he enters upon the duties of his office, shall execute a bond payable to the state of Indiana, for the use and benefit of said corporation in a penal sum not exceeding double the amount of funds, notes and debts, that may probably come into his hands, in the discretion of said trustees, conditioned for the faithful performance of his trust, and that he will pay over to the order of said trustees, all money that may come to his hands as such treasurer, and to deliver to his successor in office, all money, bonds, notes, books, papers, and other valuable things whatsoever, that may come into his hands as such treasurer, and shall also take an oath before some justice of the peace, for the due performance of his duties.

SEC. 6. Said trustees shall purchase a book in which the said secretary shall record all their proceedings; each day's proceedings shall be read over in the hearing of the board of trustees, and after correction if necessary, shall be signed by the president and attested by the secretary.

SEC. 7. No money shall be paid over but upon the order of the trustees entered of record as aforesaid, a copy of which order, certified by the secretary, shall be sufficient authority for the treasurer to pay over the amount to the person in whose favor such order was made, his or her heirs, executors administrators or assigns.

SEC. 8. The board of trustees shall have full power from time to time, to make such by-laws, ordinances and regulations, not inconsistent with the constitution and laws of this state or of the United States, as they may deem advisable for the government of said seminary, or of students, pupils, professors, and teachers thereof, and the same to be put in execution, revoked, repealed, altered, amended as to them shall seem proper.

SEC. 9. Said trustees shall meet when, and where, and as often

as they may deem necessary, and a majority of said board shall constitute a quorum, for the exercise of any power, or the transaction of any business by them as contemplated by this act. A majority of those present at any meeting, shall determine any question before them: *Provided however*, That in all cases where a meeting is held otherwise than on adjournment, the president shall give or cause to be given, notice of the time and place of such meeting, to each trustee.

SEC. 10. Said body corporate may make any contract, whether through or by an agent or otherwise, whether sealed, written, or by parol; may procure bonds to be made payable to them by their corporate name, conditioned for the performance of conditions or otherwise, and be liable to sue or be sued, as the case may be, on any such contract or bond.

SEC. 11. That from and after the time that said treasurer is appointed and qualified to act as such, it shall be the duty of all persons having money for the use of and benefit of said fund, to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same, and said board shall have the right of instituting suit or suits for any such money not so paid over.

SEC. 12. The treasurer shall keep a just and true account of all money by him received, in a book kept by him for that purpose; and said treasurer shall receive for his services such reasonable compensation as the said board shall allow him from time to time.

SEC. 13. The board of trustees shall be authorized to demand and receive of the present trustee or any former trustee of the seminary funds of said county, all money, books, notes and papers belonging to said seminary fund in his hands, and to settle with any trustee in relation thereto, or to institute one or more suits in law or equity, in their corporate name, or for their use as such body corporate, (as the case may be,) against any such trustee, and recover a judgment or decree thereon, and be entitled to execution or other remedy thereon as in other cases; the proceeds of which judgment or decree to form a part of said seminary fund; but no contract made or note given to, or by any such trustee, shall be annulled or made void by said board, but they shall have power to collect the same by suit or otherwise; they also shall have power to demand and receive from the state treasurer, on their order, duly certified by their secretary, their due proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which said county of Rush is or may be entitled, which order shall be a sufficient voucher for the same.

SEC. 14. When the seminary fund shall accumulate sufficiently for the purpose after defraying the necessary expenses, the said trustees may if they think proper, appropriate such fund to the payment of a teacher, or teachers, and necessary assistance, so as to reduce

the price of tuition, and if practicable to make the same a free school, under the restrictions herein provided.

Sec. 15. The trustees appointed by this act shall hold their office two years, and until their successors are qualified, and which successors shall be only five in number, and appointed as herein directed. The board doing county business in said county of Rush, shall at any meeting after the first day of June, 1836, appoint said five trustees, who shall be invested with all the legal authority of the trustees appointed by this act, a majority of which said trustees shall constitute a quorum to do any business which the seven hereby appointed, have the right to do, or a majority of said seven could do. The trustees appointed by the board doing county business, shall remain in office for the term of two years, subject to be removed for good cause shown, and his or their vacancy filled by said county board; and any vacancy which may occur in the office of either of the trustees appointed by said county board at any time, by refusal to serve, death or refusal to be qualified removal or otherwise, shall be filled by said board.

Sec. 16. Any vacancy which may occur in the office of either of the seven trustees appointed by this act, either by refusal to qualify, by death, removal, resignation or otherwise, shall be filled by the remaining trustees at any time previous to the first day of June, 1838.

Sec. 17. Said trustees shall annually make a detailed report of the objects and amount of all disbursements of such funds as may come to their hands, to the board doing county business for said county, which shall be entered on their records.

Sec. 18. The seminary shall not be exclusively confined to any particular branch of education. There may be taught therein any of the languages, sciences, fine arts, ornamental branches, general literature, and such other branches or departments of education as the said trustees may authorize.

Sec. 19. The treasurer shall have all the rights, powers, incidents, and subject to all the duties and liabilities of the present seminary trustees of said county, subject however to the provisions of this act.

Sec. 20. In all meetings of the said trustees, the president shall be entitled to a vote; and if the president fail to attend any meeting designated, the trustees attending shall elect a president pro tempore, to fill the vacancy during the president's absence.

Sec. 21. Nothing in this act contained, shall prevent said board of trustees from appointing the trustee of the seminary fund of said county, as such treasurer.

Sec. 22. The board of trustees may authorize the treasurer to loan any part of said fund on good security, for the sufficiency of which such treasurer shall be responsible. Notes for the repayment of any such loans shall be made payable to the president and trustees of the Rush county seminary.

Sec. 23. Said trustees, before entering on the duties of their office, shall severally execute a bond with security, to be approved of by the clerk of the Rush circuit court, payable to the state of Indiana, in the penalty of five hundred dollars, conditioned for the faithful performance of the duties of their office; each person subsequently appointed such trustee, shall execute a similar bond; such bonds shall be filed in the office of said clerk.

Sec. 24. Said body corporate may adopt a common seal, with such devices as they may direct, a description of which shall be entered on the record book: *Provided*, That until such seal is adopted, the said body corporate may use their private scrawl, or ink seal of their secretary, to authenticate such of their proceedings as require authentication.

Sec. 25. No part of said fund shall be appropriated to defray any part of the tuition of a student or pupil, who shall not at the time be a resident of said county.

Sec. 26. The board doing county business for said county shall allow such compensation to the said trustees from time to time, as they may deem reasonable.

Sec. 27. The provisions of the act entitled, "an act relating to county seminaries," approved, February 4th, 1831, shall not effect this act, so far as the same comes within the purview thereof.

Sec. 28. This act is hereby declared a public act and shall be taken and construed as such.

CHAPTER XXII.

AN ACT act to incorporate the Websterian Social Library.

(APPROVED FEBRUARY 6, 1836.)

WHEREAS, a number of the citizens of the county of Clark, in the townships of Charlestown and Monroe, have associated themselves together for the promotion of science and literature, and have formed and established a library under the name of "The Websterian Social Library," in the said township of Charlestown and county of Clark: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Benjamin Brewer, David Drummond, James L. Harris, Jesse Combs, John White, John Parks, William Davis, Joseph Carr, Daniel Taylor, Eden Combs, John Carr, David Combs, Isaac Fox, and Robert Gray, or any five of them, and their successors in office, are hereby declared a body politic and corporate by the name and style of "The Websterian Social Library;" by which name they shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be

answered unto in any and all courts of justice whatever; have perpetual succession, and be capable of purchasing, holding, bargaining, selling, and conveying any property, either real or personal for the use of said library, either by legal or equitable title; and to enforce the necessary by-laws and regulations for carrying into effect the provisions of this act and the objects contemplated by the same.

SEC. 2. They shall be further empowered to receive any gifts, grants or bequests; and by donation any books, moneys, papers or lands, or any other thing or things for the use of said library, and be entitled to receive all books, moneys or property whatsoever, which may be due or owned by said library, by fine or otherwise; or which may be due on or before the first day of September, one thousand eight hundred and thirty-six, or which may be now on hand.

SEC. 3. The directors above named, or any five of them shall meet at such time and place as they may agree upon, previous to the first day of May next, and shall from their own body elect a president and secretary; and also a treasurer and librarian who shall not be of their own body, to continue in office during the pleasure of a majority of said directors who shall have the power, at any time, to remove either of them, from office, and fill the vacancy.

SEC. 4. Such treasurer and librarian before entering on the duties of their offices, shall execute bonds with security to be approved of by a majority of the trustees, in a penal sum not exceeding double the amount of money, books or other property that will come into their hands as such treasurer or librarian, and conditions for the faithful performance of their trusts, and that they will pay over and deliver to their successors, on the order of the directors, all moneys, books, and other property that may be in their hands, or belonging to said library.

SEC. 5. That from and after the time said treasurer is qualified to act, it shall be the duty of all persons having money or books for the use and benefit of said fund, to pay the same over to the treasurer of said body corporate, whose receipt shall be a sufficient voucher for the same; and said board shall have the right of instituting suit for any such money or books, not so paid over.

SEC. 6. The directors above named, and the president and directors hereafter to be elected under the provisions of this act, shall have power to make and use a common seal, and the same to alter, change or renew at pleasure. They shall have power to levy a tax on the shareholders, not exceeding one dollar in any one year, on each share.

SEC. 7. A majority of the directors shall form a quorum, and have power to fill vacancies in their own body, to serve until the next annual election, and until others are elected in their stead.

SEC. 8. The said directors shall have power at any time to receive and by a due course of law, coerce the collection of any and all subscriptions to the capital stock of said library, together with costs of suit, and any tax or damage, they may assess for injury to the books

or property of the same, or refusal to pay the respective subscriptions or taxes, when called on by the directors or their agents.

SEC. 9. The shareholders shall meet at the Websterian school house, or at the house of the librarian in the said Charlestown township, on the first day of October annually, for the purpose of electing five directors, who shall be shareholders at the time, and shall also elect one of such directors to be president of the board; and such president and directors thus elected, shall continue in office until the next annual election, and until their successors in office are chosen. If, from any cause whatever there should be no election held on the day appointed by this act, it shall be lawful to hold the elections on any other day.

SEC. 10. All elections shall be conducted by two judges, appointed by the shareholders present, and the persons having the highest plurality of votes given and counted in public, shall be declared duly elected. In all elections, each share shall entitle the holder to one vote, and any person having a right to vote may vote by proxy.

SEC. 11. The directors shall have power to appoint all other officers and agents necessary to carry into effect the objects of this act. They shall keep a journal of their proceedings, in which shall be entered all rules, by-laws, regulations, orders, &c. They may sit on their own adjournments, or on the call of the president, and in his absence, may appoint a president pro tem.

SEC. 12. The capital stock of said corporation shall be five thousand dollars, divided into shares of two dollars and fifty cents each.

SEC. 13. Certificates of shares shall be given to the shareholders which shall be evidence of the shares held; they shall be signed by the president, and countersigned by the clerk; shall be transferable on the books of the corporation only; and shall at all times be helden by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a tax or contract made prior to said transfer.

SEC. 14. The library shall be kept at the house of some suitable person who is a shareholder, and who shall reside not more than one half mile from the above named Websterian school house. And it shall be the duty of the directors, or of some person by them appointed, to examine the books, papers and accounts of said library, at least once in three months, and cause a statement thereof to be made on the journal of the library. The person acting as librarian shall make regular entries in books, kept for that purpose, of all books taken out and returned; and of all penalties and fines assessed or collected under this act, or the by-laws established for the government of the library. A copy of the rules and by-laws, shall at all times be set up in a conspicuous place in the library, for the inspection of visitors. And on all trials for fines or forfeitures, the librarian shall be a competent witness, and his entries shall be full and complete evidence of the delivery of the book or books, and the date thereof.

SEC. 15. *And be it further enacted*, That all elections, subscriptions, donations and by-laws heretofore made and received by the agents and officers of the Websterian Social Library, when the same were not contrary to the laws and constitution of this State, are hereby declared legal and valid, to be in force and in operation, and binding as if the same had been made in pursuance of this act, or the "act for the incorporation of public libraries," approved December 17, 1816.

SEC. 16. This act to be in force from and after its passage.

CHAPTER XXIII.

AN ACT to incorporate the Indiana Baptist Education Society and the Indiana Baptist Manual Labour Institute.

(APPROVED, JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That John L. Richmond, Henry Bradley, Henry Brady, Samuel Merrill and sixteen others, whose names are recorded in the journal of said Baptist Education Society as directors thereof, be and they are hereby constituted a body corporate and politic, to be known by the name of the Board of Directors of the Indiana Baptist Education Society, and by that name shall have perpetual succession, and as a body corporate shall be authorized to carry the object and design of said Institution into complete effect, agreeably to the provisions of the present recorded constitution of said society: *Provided however*, That no power is hereby conferred to authorize this corporation to do any act, or to enact any by-laws, rules or ordinances, contrary to the laws and constitution of this State or of the United States.

SEC. 2. That Jesse L. Holman, Nathan B. Palmer, Ezra Fisher, Samuel Harding, Lewis Morgan, John McCoy and thirty others, whose names are recorded in the record of proceedings of the Indiana Baptist Manual Labor Institute, as trustees of said Institute, be, and they are hereby constituted and appointed a body corporate and politic, to be known by the name of the Board of Trustees of the Indiana Baptist Manual Labor Institute, and by that name shall have perpetual succession with power to adopt a common seal, to alter or change the same at pleasure; and as a body corporate shall be authorized to carry the object and design of said institution into complete effect, agreeably to the present recorded constitution of said Institute, which is, under the provisions of this act declared to be the fundamental law of said Institute; but said corporation shall have no power to enact any by-laws, rules or ordinances contrary to the laws and constitution of this State or of the United States: *Provided*, That as vacancies may occur in said board of trustees, the

said board shall have power to fill such vacancies until the same shall be filled by a regular appointment by board of directors of the Indiana Baptist Education Society.

SEC. 3. The trustees of said Institute, elected and appointed agreeably to the foregoing provisions, and their successors, shall have power in their corporate capacity to purchase or receive by donation, bequest or devise, any lands, tenements, or hereditaments, money, rents, goods and chattels, which may be conveyed, devised or bequeathed to them, for the use and benefit of said Institute, and shall be required faithfully to apply the same.

SEC. 4. The said Indiana Baptist Institute shall be located at or near Franklin, Johnson county, and shall have full and complete collegiate powers; and the faculty of said Institute, consisting of the president, professors and tutors thereof, shall have the power of granting and conferring, by and with the approbation of the board of trustees, such degrees in the liberal arts and sciences as are usually granted and conferred in other colleges in the United States, to the students in the Institute, or others, who, by their proficiency in learning or other meritorious distinction may be entitled to the same, and to grant unto such graduates diplomas or certificates, under their common seal, and signed by the faculty, to authenticate and perpetuate the memory of such graduation. *Provided however*, That no degree shall be conferred, or diplomas granted, unless such student has acquired the same proficiency in the liberal arts and sciences as is customary in other colleges in the United States.

SEC. 5. That said corporation shall not be permitted to hold at any one time, more than three hundred and twenty acres of land: *Provided*, That all donations or bequests of real estate made to the said institution shall be good and valid, but the corporation shall sell, so soon as the same can be done at fair valuation, any excess over three hundred and twenty acres aforesaid. This act to be in force from and after its passage.

CHAPTER XXIV.

AN ACT to incorporate the Peru and Wabash Bridge Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of "The Peru and Wabash Bridge Company," and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended in law and equi-

ty, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be fifteen thousand dollars, divided into shares of fifty dollars each.

SEC. 3 That D. R. Bearss, Nathaniel M'Guire, Alexander Wilson, Wm. N. Hood, R. L. Britton, and Alfred Kiser, be commissioners to open books for receiving subscriptions to the capital stock of said corporation; and the said books shall be opened on or before the first Monday of September, 1836, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some public newspaper printed in that section of the State, giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors; and at the time and place appointed, the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office; a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders, at their first meeting, shall appoint. The directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary, and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail, at any annual election to elect directors, the corporation, on that account, shall not be dissolved; but the president and directors for the time being shall continue to exercise the duties of their office, until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every six months, by giving thirty days notice in some public paper printed in that section of the state, or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay the requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, from the delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation may erect a bridge across the Wabash river, at some point which is hereafter to be determined and fixed upon by the directors opposite the town of Peru, in the county of Miami; and the said corporation shall have and may use the writ of *ad quod damnum*, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary cause-ways.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of the bridge, and demand and receive a toll, not exceeding the following rates, to-wit: every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, attached to the carriage, six and a fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled, or cutter drawn by one horse, eighteen and three fourth cents; for every cart, sleigh or sled, drawn by two horses or oxen, twenty-five cents; for each horse or mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger six and a fourth cents; and in analogous proportions of the foregoing rates for any other animals and carriages, but all persons going to, or returning from places of religious worship, going to or returning from muster, when doing militia duty, and all funeral processions, shall be exempt from paying toll.

SEC. 8. That if any person shall wilfully impair or injure said bridge, he she or they so offending, shall forfeit and pay to the corporation, treble the amount it may cost to repair the same, with costs of suit, to be recovered, on conviction thereof, before any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation, eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive and demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person so unreasonably delayed, hindered or defrauded.

SEC. 11. The said bridge shall be built not less than twenty-five feet wide, and shall be well secured by a railing, on each side, not less than four feet high.

SEC. 12. If said bridge shall not be constructed within seven years from the passage of this act, then and in that case, this act to be null and void, otherwise to remain in full force and virtue for the term of sixty years.

SEC. 13. The navigation of the Wabash river shall be preserved free from obstructions, and the bridge shall be built of sufficient height to admit loaded boats to pass under.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, duly authorized for that purpose; but such stock shall at all times, be holden by the corporation for any debts due from the holders thereof to the corporation.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent the directors may appoint a president *pro tem.*

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations, as may be prescribed by the stockholders, according to the following scale, to wit: for each share not exceeding five shares, one vote, for every two shares above five and under fifteen, one vote, for every three shares above fifteen and not exceeding thirty, one vote for every five shares above thirty, one vote.

SEC. 17. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience, be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding twenty-five thousand dollars.

SEC. 19. This act and every thing therein contained is limited to fifty years, and to take effect and be in force from and after its passage.

CHAPTER XXV.

AN ACT to incorporate the White River Bridge Company.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the persons who shall become stockholders, pursuant to this act shall be, and they are hereby constituted a body politic and cor-

porate by the name and style of the White River Bridge Company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, in law and equity in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be fifteen thousand dollars divided into shares of twenty-five dollars each.

SEC. 3. That Thomas Oneal, David Brower, David Trester, James Blake, Nathaniel West and Daniel Yandes be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday of September 1836, and each of said commissioners may receive subscriptions.

SEC. 4. The treasurer, or if absent or unable to attend from any cause, the auditor of public accounts, or secretary of State, shall be authorized to vote at any election hereafter provided for the number of votes the state is entitled to in said corporation by virtue of her stock.

SEC. 5. All payments of said stock by the treasurer or any part thereof shall be upon the warrant of the auditor, upon whom the order of the directors to be hereafter provided for, shall be drawn but such orders shall be for no greater portions than individual stockholders are called upon at that time to pay.

SEC. 6. The dividends of so much of the profits as may be due the state by virtue of her stock, shall under such regulations as the board of directors may adopt be paid over to the Treasurer of State, to be applied to keeping said road in repair, and for no other purposes, in such manner as the legislature may hereafter direct. The person paying the same shall take duplicate receipts of the treasurer, one of which shall be immediately by him deposited with the auditor of public accounts, who shall forthwith charge the treasurer therewith.

SEC. 7. Whenever three hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed in Indianapolis, giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors; and at the time and place appointed, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office; a majority of whom shall be a quorum to transact business. An annual election for directors, shall be held at such time and place as the stockholders at their first meeting shall appoint, the directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also

appoint a secretary and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 8. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every six months, by giving thirty days notice in some weekly newspaper printed at Indianapolis, or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay his requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon from such delinquent, and if the amount cannot be made on execution, or if such delinquent is out of the state, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon and the same shall thereby be absolutely forfeited to the corporation.

SEC. 9. The said corporation, may erect a bridge across White River where the Michigan road crosses the same, and the said corporation shall have and may use the writ of *ad quod damnum* and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary causeways. *Provided however*, That nothing herein contained shall be so construed as to prevent, or in any way hinder the construction by the state of a canal along the bank of White River, on which either of the abutments of said bridge may stand.

SEC. 10. And assoon as the bridge contemplated by this act, shall be completed or made ready for passengers to pass over upon, the directors of said company are hereby authorized to erect a toll-gate on either end of said bridge, and by their agent, appointed for that purpose, to demand and receive from every person who may wish to pass over said bridge, a toll not exceeding the following rates, to wit: for every four wheel pleasure carriage drawn by two horses, twenty-five cents; if drawn by four horses, thirty-seven and a half cents; every two wheeled pleasure carriage, twelve and a half cents; every wagon or cart drawn by two horses, or oxen, eighteen and three-fourth cents, and if drawn by four horses or oxen, twenty-five cents; each sled or sleigh and two horses or oxen, twelve and a half cents; every one horse cart, wagon, sleigh or cutter, ten cents; every man and horse, six and one fourth cents; every horse, jack, mule, or head of cattle, two cents, hogs and sheep, one half cent a head, and in

analogous proportions of the foregoing rates, for any other animal and carriage. But all persons going to and returning from places of religious worship, going to and returning from a grist mill, going to and returning from training, when doing duty in the militia, shall be exempt from paying toll.

SEC. 11. If any person shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit, to be removed on conviction thereof before any court of competent jurisdiction.

SEC. 12. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 13. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with costs, before a justice of the peace to the use of the person so unreasonably delayed, hindered, or defrauded.

SEC. 14. The said bridge shall be built not less than twenty feet wide, and shall be well secured by a railing on each side, not less than four feet high.

SEC. 15. If said bridge shall not be commenced within two years, and constructed in three years from the passage of this act, then and in that case this act to be null and void otherwise to remain in full force and virtue for sixty years.

SEC. 16. The navigation of the White river shall be preserved free from obstructions, and the bridge shall be built a sufficient height to admit loaded boats to pass under it.

SEC. 17. Certificates of stock shall be given to stockholders which shall be evidence of stock held; they shall be signed by the president and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally or by an agent or attorney duly authorized for that purpose; but such stock shall, at all times, be holden by the corporation for any debts due from the holders thereof, to the corporation.

SEC. 18. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation, to be made, and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent, the directors may appoint a president *pro tem.*

SEC. 19. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations as may be prescribed by the stockholders, according to the follow-

ing scale to wit: for each share not exceeding five shares, one vote; for every two shares, above five and under fifteen, one vote; for every three shares above fifteen, and not exceeding thirty, one vote; for every five shares above thirty, one vote.

SEC. 20. Half yearly dividends of so much of the profits, as the corporation may deem expedient, shall be made, on the first Monday in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience be done, but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 21. In case the corporation shall deem the present amount of capital insufficient, for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount not exceeding forty thousand [dollars].

SEC. 22. On a failure of said corporation to satisfy an execution legally issued against it, the stockholders, shall be individually liable for the amount of the same, in proportion to the amount of stock by them respectively held, to be recovered by bill in equity or otherwise: *Provided*, that if any such demand should be coerced from or paid by, any one or more of said stockholders, he, she or they shall be entitled to contribution, against the residue of said stockholders: *And provided*, that the Michigan road funds shall in no case be liable for the demands against the company aforesaid in case of its insolvency.

SEC. 23. This act to take effect and be in force from and after its passage.

CHAPTER XXVI.

AN ACT to Incorporate the *Lafayette Insurance Company*.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is established in the town of Lafayette an Insurance Company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stock-holders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Lafayette Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be de-

fended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law, or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this State, or of the United States: *And provided also*, that said company, shall not owe or hold, at any one time, a greater amount of real estate, than shall be of the value of two hundred thousand dollars.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage, on goods, merchandise and produce, in the course of transportation or otherwise, whether on the land or on the water, and vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandise or other property by means of any loan or loans which they may make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital or stock, monies, funds, or other property, [in] stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular state, or in the stock of any chartered bank of this state, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company; that the office of "The Lafayette Insurance Company," be, and the same is hereby made an office of discount and deposit, and are

hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same not exceeding the rate of interest individuals are allowed by law to receive: *Provided however*, that all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided also*, that it shall not be lawful for said corporation, to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments, against said corporation, for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute the writ or notice on the president or secretary, and a majority of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against the corporation, without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of nine directors, who shall be stock-holders and citizens of the state of Indiana, and after the first election they shall be elected by the stock-holders, on the second Monday in October annually at such time of day, and at such place, in the town of Lafayette as said directors for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stock-holders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such

election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting: and in case it should so happen, that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president *pro tempore*; they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided *viva voce* by a majority of the directors present any two of whom may require the yeas and nays to be taken on any proposition submitted and entered in the journal of their proceedings, and no vote shall be rescinded by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as par payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

SEC. 10. That any number of stock-holders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting, and the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company, shall be opened in the town of Lafayette, by and under the direction of Jacob Walker, John McCormick, Henry Ensminger, David Webb, Robert Heath, Albert S. White, and Nathan Jackson, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions, in a newspaper printed in said town: and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing: *Provided*, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock: all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being, may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry or respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee, or assignees shall have the full benefit thereof: *Provided*, That before any loss happens, notice shall be given said company of said assignment: *And provided*, That said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, There shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned,

and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases. The stockholders may, at any regular meeting, either increase or diminish the number of directors: *Provided*, That there never shall be more than thirteen nor less than five.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of no property found or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who are or were stockholders at the time the debt, demand or liability accrued shall be held for said debt, to the amount of his, her or their stock and no further. But no execution shall issue against any stockholder in their individual capacity until a *scire facias* shall be issued against and served on them to appear and show cause if any they can why execution shall not go against them and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debts, demands or liability, or that the corporation was not liable for said debts or any cause of legal defense.

This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER XXVII.

AN ACT to incorporate the Miami Bridge Company.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders, pursuant to this act, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Miami Bridge Company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defended, answering and being answered unto, in law and equity in all courts whatsoever, and shall have authority to ordain and establish such by-laws, rules and regulations not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be thirty thousand dollars, divided into shares of twenty-five dollars each and may be increased to not exceeding fifty thousand dollars by the board of directors, if necessary, for the purposes of this incorporation.

SEC. 3. That David Guard, Omer Tousey and Walter Armstrong be commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the same books shall be opened on or before the first Monday in July 1836, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever five hundred shares of the stock of said corporation shall be subscribed the commissioners shall cause an advertisement to be inserted in some newspaper printed in Lawrenceburgh, giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors; and at the time and place appointed the stockholders shall choose seven directors, being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office, a majority of whom shall be a quorum to transact business. An annual election for directors shall be held at such time and place as the stockholders at their first meeting shall appoint; the directors thus chosen shall as soon thereafter as practicable choose one of their own body as president, and also appoint a secretary and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail at any annual election to elect directors the corporation on that account shall not be dissolved, but the president and directors for the time being shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every six months, by giving thirty days notice in some weekly newspaper printed in Lawrenceburgh or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, from delinquent; and if the amount cannot be made on execution, or if such delinquent is out of the State, the corporation may declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation may erect a bridge across the Miami river, at or near the mouth of said river; and the said corporation shall have and may use the writ of *ad quid damnum*, and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary cause-ways.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of the bridge, and de-

mand and receive a toll, not exceeding the following rates, to-wit: every four wheeled carriage drawn by two horses or other animal, twenty-five cents; for each additional horse or other animal attached to the carriage, six and a fourth cents; every two wheeled pleasure carriage, twenty-five cents; for every wagon or cart, sleigh, sled, or cutter drawn by one horse or other animal eighteen and three fourth cents; for every cart, sleigh or sled, drawn by two horses or oxen, twenty-five cents; for each man and horse, twelve and a half cents; for each horse or mule, six and a fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger, six and a fourth cents; and in analogous proportions of the foregoing rates for any other animals and carriages. But all persons going to or returning from places of religious worship, and all funeral processions, shall be exempt from paying toll.

SEC. 8. That if any person shall wilfully impair or injure said bridge, he she or they so offending, shall forfeit and pay to the corporation, treble the amount it may cost to repair the same, with costs of suit, to be recovered, on conviction thereof, before any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation, eight times the amount of legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate or shall receive and demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered with costs, before a justice of the peace, to the use of the person so unreasonably delayed, hindered or defrauded.

SEC. 11. The said bridge shall be built not less than twenty-five feet wide, and shall be well secured by a railing, on each side, not less than four feet high.

SEC. 12. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act to be null and void, otherwise to remain in full force and virtue for the term of fifty years.

SEC. 13. The navigation of the Miami river shall be preserved free from obstructions, and the bridge shall be built of sufficient height to admit loaded boats to pass under it, in all ordinary stages of the river.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, they shall be signed by the president, and countersigned by the secretary; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, duly authorized for that purpose; but such stock shall at all times, be held by the corporation for any debts due from

the holders thereof to the corporation, shall be considered personal property and liable to be seized and sold on execution.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their own body; they may sit on their own adjournments, or on the call of the president, and when the president is absent the directors may appoint a president *pro tem.*

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations, as may be prescribed by the stockholders, according to the following scale, to wit: for each share not exceeding five shares, one vote, for every two shares above five and under fifteen, one vote, for every three shares above fifteen and not exceeding thirty, one vote; for every five shares above thirty, one vote.

SEC. 17. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience, be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. Nothing in this act shall be so construed as to prevent the erection of another bridge across the Miami river near the point where the bridge contemplated in this act shall be erected should the necessities of the country require that such additional bridge shall be erected after the expiration of twenty years: *Provided also,* That nothing in this act contained, shall prevent the Lawrenceburgh and Indianapolis Rail Road Company, from erecting a bridge across said river, on the site that may be hereafter selected and located by said company. This act shall take effect and be in force from and after its passage.

CHAPTER XXVIII.

AN ACT to incorporate the Eel River Bridge Company.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted, a body corporate, by the name and style of "The Eel River Bridge Company" and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, de-

fend and be defended, in law and equity, in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the Constitution or laws of this state, or the United States, as shall from time to time be found necessary for the management, and good government of said corporation.

SEC. 2. That, Adam Hull, Jesse Long, William Luckey, George Slagle, and Joseph Cron, shall be commissioners to open books for securing subscriptions to the capital stock of said corporation; and the said books shall be opened on or before the first day of May 1836, and each of said commissioners may receive subscriptions.

SEC. 3. The capital stock of said company shall be one thousand dollars, divided into shares of ten dollars each.

SEC. 4. Whenever one hundred shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in the newspaper called the "Fort Wayne Sentinel," giving at least three weeks notice of the time and place of the meeting of the subscribers to choose directors, and at the same time and place appointed, the stockholders shall choose seven directors, being stockholders of the said corporation, a quorum of whom shall be competent to transact business. A new election of directors shall be held annually at such time and place as the stockholders at their first meeting shall appoint. The directors chosen at any election shall, as soon thereafter as may be convenient choose out of their number one person to be president, who shall appoint a secretary and treasurer.

SEC. 5. The directors may demand from the stockholders respectively, all such sums of money, by them subscribed, at such times, and in such proportions, as they may think proper, and in the penalty of forfeiting their respective shares, and all payments thereon.

SEC. 6. The said corporation may erect a toll bridge at the crossing of Eel river, on the Fort Wayne and St. Joseph road in Allen county.

SEC. 7. Whenever said bridge shall be completed, the said corporation may erect a gate at either end of the said bridge, and demand and receive a toll not exceeding the following rates to wit: every four wheeled pleasure carriage, drawn by two horses, twenty five cents, if drawn by four horses, thirty one cents; every two wheeled pleasure carriage, ten cents; every wagon or cart, drawn by two horses or oxen, nineteen cents; if drawn by four horses or oxen, twenty five cents; each sled or sleigh and two horses or oxen, ten cents; every one horse cart, wagon, sleigh or cutter, eight cents; every man and horse, six cents; every foot passenger three cents; every horse, jack, or mule or head of neat cattle, two cents; every sheep or hog one cent. But all persons going to, or returning from places of religious worship, going to or returning from a grist mill, with a grist, going to or returning from training, when doing duty in the militia shall be exempt from paying toll.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, he, she, or they so offending shall forfeit and pay, to the corporation, the sum of ten dollars, to be recovered with the costs of suit; and shall also be liable to pay, to the corporation, treble the amount of the damages sustained, with costs of suit, to be recovered in an action of trespass in any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll he shall forfeit and pay to the said corporation eight times the amount of the legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay, or hinder any passenger at the gate, or shall receive ordemand more than the legal toll, he shall for every such offence forfeit the sum of five dollars, to be recovered with costs before a justice of the peace, to the use of the person so unreasonably hindered, delayed, or defrauded.

SEC. 11. If the said bridge shall not be constructed in four years from the passage of this act, then in that case this act shall be null and void, otherwise remain in full force and virtue for fifteen years.

SEC. 12. In case the said corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock of said corporation to any amount, not exceeding ten thousand dollars.

This act to take effect and be in force from and after its passage.

CHAPTER XXIX.

AN ACT to incorporate the Evansville Insurance Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is established in the town of Evansville, an Insurance Company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stock-holders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "the Evansville Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real

estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States: *And provided also*, that said company, shall not own or hold at any one time, by legal title, a greater amount of real estate, than shall be of the value of two hundred thousand dollars.

SEC. 2. That said corporation shall have power and lawful authority, to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise and produce in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandise or other property, by means of any loan or loans which they make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds, or other property, [in] stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of this State or of the United States or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company: that the office of "the Evansville Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange, and the discount of promissory notes, and to receive cash and bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on,

and to discount or loan the same: *Provided*, however, that all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent, except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided also*, that it shall not be lawful for said corporation to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay, deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction ten days previous notice of said motion if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgements rendered therein, and upon all other judgments against said corporation for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per centum per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created to execute the writ or notice on the president or secretary and a majority of the directors for the time being, and such service shall authorise judgment on proceedings by default, against the corporation in the same manner that judgments are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudentials concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders, on the second Monday in October annually, at such time of day, and at such place in the town of Evansville, as said directors, for the time being shall direct. They shall hold their offices for the term of one year, and until their successors shall be chosen, and notice of such election shall be advertised and published for three weeks next preceding the same, in a newspaper in said town, and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy, being granted to a stockholder present at such meeting, and in case it should happen, that an election

of directors should not be made on any day, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any otherday, in such manner as may be provided for by the by-laws and ordinances of said corporation.

Sec. 7. That the directors duly chosen under the provisions of this act, shall as soon as may be after the first and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation, or absence, the board shall appoint a president *pro tempore*, they shall fill all the vacancies which may occur in their own body during the time for which they were elected and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix the compensations, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations not inconsistent with the provisions of this act, and the by laws, rules and ordinances of said company, as the directors for the time being shall prescribe, they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct, and a majority of the whole number, shall constitute a quorum, and be competent to the transaction of business within the scope of their power and connected with their duty, and all questions before the board shall be decided *visa roce*, by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted and entered in the journal of their proceedings, and no vote shall be rescinded by a less number [than] were voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, that no such dividend shall be paid, on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

Sec. 8. That all policies of insurance which may be made or entered into by said corporation, shall be subscribed by the president, or president *pro tempore*, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business or

the corporation may be carried on without the presence of the board of directors, by the president and secretary subject nevertheless to the by-laws, rules ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

Sec. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

Sec. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting; the stockholders present, in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Sec. 11. That the books for the subscription to the capital stock of said company, shall be opened in the town of Evansville, by and under the direction of John Franklin, Wm. Trafton, Nathan Rowley, R. M. Evans, Harris Dunham, John Mitchell and Alanson Warner, who are hereby appointed commissioners for that purpose whose duty it shall be, or any three of them, to give notice of that [the] time and place of opening books for subscriptions in a newspaper printed in said town; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares, and individual, company or body corporate, shall at the time of such subscribing, pay to said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the [board] of directors thus elected, shall constitute the first board, and shall continue in office, until the next annual election.

Sec. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance to demand and receive of each stockholder, the full amount of the stock

by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors: and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholders shall forfeit to the company, the amount paid on such stock at the time of subscribing: *Provided* that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid it being one tenth of the capital stock: all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms as the directors for the time being, may from time to time direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the under writer of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property; and such assignee or assignees shall have the full benefit thereof: *Provided*, that before any loss happens, notice shall be given said company, of said assignment: *And provided*, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss sustained, or incurred in any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost, or incurred on such policy, within sixty days after being so notified: *Provided*, there shall have been no violation of the condition of the policy on the part of the insured, and on all judgments obtained by said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases. The stockholders may at any regular meeting, either increase or diminish, the number of directors: *Provided*, that there never shall be more than thirteen nor less than five. In all cases of judgments against said corporation, execution shall first issue against the goods and chattels, lands and tenements of said corporation, as their joint property, and upon return being made of

no property found by the officer to whom such execution shall have been directed, it shall be lawful to issue a scire facias against any individuals owning stock at the time the debt or liability was created upon which said judgment may have been rendered; and it shall be lawful for such stockholder, in answer to said scire facias, to deny that he was a stockholder at the time such debt or liability was created, and also to plead that said corporation is not liable, or has paid the same or any other legal defence.

SEC. 16. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER XXX.

AN ACT to Incorporate the Bedford Insurance Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is established in the town of Bedford in the county of Lawrence, an Insurance Company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stockholders and subscribers, and their successors, shall be, and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Bedford Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due and owing to the same, or in satisfaction of any judgment of [any court of] law, or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain, establish and put in execution, such by-laws, ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this State, or of the United States: *And provided also*, that said company, shall not own

or hold, at any one time, a greater amount of real estate, than the amount of their capital stock.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage, on goods, merchandise and produce, in the course of transportation or otherwise, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk, upon the interest which they may have in any vessel, boat, goods, merchandise or other property by means of any loan or loans which they may make on mortgage, bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, moneys, funds, or other property, [in] stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular state, or in the stock of any chartered bank of this state, or of the United States, or any branch thereof, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require; or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time and under such restrictions and limitations, and upon such terms as the directors thereof for the time being, shall deem prudent and best for the interest of said company; that the office of "The Bedford Insurance Company," be, and the same is hereby made an office of discount and deposit, and are hereby authorized to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest, as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, not exceeding the rate allowed by law to individuals at the time of such agreement, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same: *Provided however*, that all deposits made in said office, shall be refunded and paid by said corporation on demand, in specie or its equivalent except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided also*, that it shall not be lawful for said corporation, to issue or emit any bills of credit, or any bills payable to order or bearer, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice, if before a justice of the peace, having been given; and upon judgments rendered therein, and upon all other judgments, against said corporation, for deposits, there shall be allowed ten per cent. damages, and interest after the rate of six per centum, per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute the writ or notice on the president or secretary, or any of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against the corporation, without appearance or plea by the corporation, in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction, and control of a board of seven directors, who shall be stock-holders and citizens of the state of Indiana, and after the first election they shall be elected by the stock-holders, on the first Monday in October annually at such time of day, and at such place, in the town of Bedford as said directors for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town, or if there be none such printed in said town, then in the nearest newspaper thereto; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholders not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting: and in case it should so happen, that an election of directors should not be made on any days, when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president who shall preside in

the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president *pro tempore*; they shall fill all the vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided *viva voce* by a majority of the directors present any two of whom may require the yeas and nays to be taken on any proposition submitted and entered in the journal of their proceedings, and no vote shall be [rescinded] by a less number than were present and voting when the original vote was taken; nor shall any director be permitted to move a reconsideration of any vote unless he were present and voted in the *majority*, when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president *pro tempore*, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established

by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said corporation.

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

SEC. 10. That any number of stock-holders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, or in the event that there be no such paper printed in said town, then in the newspaper printed nearest thereto, of the time and place of such meeting, and the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company, shall be opened in the town of Bedford or elsewhere at the discretion of the commissioners by and under the direction of Moses Fell, William McLane, Samuel F. Irwin, Alexander H. Dunihue, Gustavus Clark, and John Vestall, or any other individual or individuals legally authorized to act as agent under such restrictions as they may deem expedient, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscriptions, in a newspaper printed in said town: or if there be no such paper printed in said town, then in the nearest newspaper thereto; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares, and such individual, company, or body corporate, shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as two hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, or if there be no such paper printed in said town, then in the nearest newspaper printed thereto, of the time and place for the stockholders to meet and elect the first board of seven directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to the said board of directors, all moneys that may be in their hands be-

longing to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing: *Provided*, that the said corporation shall not commence business, or grant any policies of insurance, until two hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock: all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being, may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk, on any goods, merchandize or produce, whether on the land or on the water, on any vessel or boats whatever, and wherever they may be, on life or lives, and [or] shall lend any money on bottomry or respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of per centum [premium] or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee, or assignees shall have the full benefit thereof: *Provided*, That before any loss happens, notice shall be given said company of said assignment: *And provided*, That said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, There shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by or against said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as is now, or may hereafter be allowed by law in other cases.

SEC. 16. The stockholders may, at any regular meeting, either increase or diminish the number of directors: *Provided*, That there never shall be more than thirteen nor less than five.

SEC. 17. Execution upon judgments against said corporation, shall be first levied, upon the goods and chattles, lands and tenements, of the same, as its joint property, and upon return being made of "no property found," a *scire facias* may issue against any one or more of the stockholders, or individuals owning stock at the time the debt or liability on which said judgment may have been made, was created; and the defendant to such *scire facias*, may plead in answer thereto that he was not such stockholder at the time of the creation of such debt or liability, or that said corporation is not liable therefor; and if sufficient cause be not shown, judgment shall be rendered against the defendant, in his individual capacity, for the full amount of his stock so held as aforesaid, if so much thereof be required to satisfy such judgment.

This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every benefical purpose.

CHAPTER XXXI.

AN ACT to incorporate the Logansport and Eel River Bridge Company.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all persons who shall become stockholders pursuant to the provisions of this act, shall be and they are hereby constituted a body politic and corporate by the name and style of the Logansport and Eel River Bridge Company, and by that name shall be capable of holding real estate sufficient for carrying into effect the purposes of this act, and of suing and being sued, defending and being defendant, in law and equity in all courts whatsoever; and shall have authority to ordain and establish such by-laws, rules, and regulations, not repugnant to the constitution and laws of this State or of the United States, as shall from time to time be found necessary for the management and good government of said corporation.

SEC. 2. The capital stock of said corporation shall be fifteen thousand dollars divided into shares of fifty dollars each.

SEC. 3. That Cyrus Taber, M. H. Scott, Henry Chase, Thomas J. Cummings and Harry Heth, be, and they are hereby appointed commissioners to open books for receiving subscriptions to the capital stock of said corporation, and the said books shall be opened on or before the first Monday in November in the year of our Lord, one thousand eight hundred and thirty six, and each of said commissioners may receive subscriptions.

SEC. 4. Whenever one hundred and twenty five shares of the stock of said corporation shall be subscribed, the commissioners shall cause an advertisement to be inserted in some newspaper printed in the town of Logansport giving at least three weeks notice of the time and place of meeting of the stockholders to choose directors; and at the time and place appointed, the stockholders shall choose seven directors being stockholders of said corporation, who shall serve one year and until their successors are chosen and qualified into office; a majority of whom shall be a quorum to transact business. An annual election for directors, shall be held at such time and place as the stockholders at their meeting for such elections may appoint. The directors thus chosen shall as soon thereafter as practicable, choose one of their own body as president, and also appoint a secretary and such other officers as may be necessary: *Provided*, That should the stockholders neglect or fail at any annual election to elect directors, the corporation on that account shall not be dissolved, but the president and directors for the time being, shall continue to exercise the duties of their office until their successors are chosen by the stockholders.

SEC. 5. The directors may demand from the stockholders respectively all such sums of money by them subscribed, at such times and in such proportions as they may think proper, not exceeding twenty-five per cent. of the amount of stock every six months, by giving thirty days notice in some weekly newspaper printed at Logansport, or by giving written notice to the stockholders, stating the amount on each share demanded, and the time and place of payment shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due, in any court of competent jurisdiction, and recover the amount with two per cent. a month interest thereon, and if the amount cannot be made on execution, or if such delinquent be out of the state, the corporation may declare such stock forfeited to the corporation, together with whatever amount may have been paid thereon and the same shall thereby be absolutely forfeited to the corporation.

SEC. 6. The said corporation, may erect a bridge across Eel River, at some point between Walnut street, in the town of Logansport, in the county of Cass and its junction with the Wabash river; and the said corporation shall have and may use the writ of *ad quod damnum* and all the benefits arising from the law allowing such writ, for the purpose of having condemned the necessary quantity of ground for the erection of the abutments, toll house and necessary causeways.

SEC. 7. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive toll, not exceeding the following rates, to wit: for the passage of every four wheeled carriage drawn by two horses or oxen, twenty-five cents; for each additional horse or ox, six and a

fourth cents, every two wheeled pleasure carriage, twenty-five cents; for every wagon, cart, sleigh, sled, or cutter, drawn by one horse eighteen and three fourth cents; for every cart, sleigh or sled, drawn by two horses or oxen, twenty-five cents; for each man and horse, twelve and a half cents; for each horse, or mule, six and one fourth cents; for each head of neat cattle, three cents; for every sheep or hog, one cent; for every foot passenger six and a fourth cents; and in analogous proportions of the foregoing rates, for any other animals and carriages, but all persons going to or returning from muster, when doing militia duty, and all funeral processions, shall be exempt from paying toll.

SEC. 8. If any person or persons shall wilfully impair or injure said bridge, he, or she, so offending shall forfeit and pay to the corporation treble the amount it may cost to repair the same with costs of suit, to be recovered on conviction thereof before any court of competent jurisdiction.

SEC. 9. If any person shall forcibly pass the gate without having paid the legal toll, he shall forfeit and pay to the said corporation eight times the amount of the legal toll, to be recovered by an action of debt before a justice of the peace.

SEC. 10. If any toll gatherer shall unreasonably delay or hinder any passenger at the gate, or shall receive or demand more than the legal toll, he shall, for every such offence, forfeit the sum of five dollars, to be recovered, with costs, before a justice of the peace to the use of the person so unreasonably delayed, hindered, or defrauded.

SEC. 11. The said bridge shall be built not less than twenty five feet wide, and shall be well secured by a railing on each side, not less than four feet high.

SEC. 12. If said bridge shall not be constructed within five years from the passage of this act, then and in that case, this act to be null and void, else to remain in full force and virtue for the term of sixty years.

SEC. 13. The navigation of Eel river shall be preserved free from obstructions, and the bridge shall be built a sufficient height to admit loaded boats to pass under it.

SEC. 14. Certificates of stock shall be given to stockholders, which shall be evidence of stock held, they shall be signed by the president, and countersigned by the secretary; they shall be transferable on the books of the corporation only, personally, or by an agent or attorney, duly authorized for that purpose; but such stock shall at all times, be helden by the corporation for any debts due from the holders thereof to the corporation, and the said stock shall be subject to execution and liable to be sold as other personal property.

SEC. 15. It shall be the duty of the corporation to cause a full statement of the affairs of the corporation to be made and exhibited to the stockholders, at every annual election, or at any other general

meeting of the stockholders. The president and directors shall fill all vacancies that may happen in their body; they may sit on their own adjournments, or on the call of the president, and when the president is absent the directors may appoint a president *pro tem.*

SEC. 16. In all elections for directors, each stockholder shall be entitled to vote either in person or by proxy, under such regulations, as may be prescribed by the stockholders, according to the following scale, to wit: for each share not exceeding five shares, one vote; for every two shares above five and under fifteen, one vote; for every three shares above fifteen and not exceeding thirty, one vote; for every five shares above thirty, one vote.

SEC. 17. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays in January and July annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as it can, with convenience, be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses.

SEC. 18. In case the corporation shall deem the present amount of capital insufficient for the purposes herein named, the said corporation is hereby authorized to extend the capital stock to any amount not exceeding twenty-five thousand dollars.

SEC. 19. That nothing in this act contained shall prevent the General Assembly, at any time hereafter, from granting the privilege to any other company or companies, to build another bridge or bridges across said river, in the vicinity of the said town of Logansport, whenever the interest of the public shall require it to be done.

This act to take effect and be in force from and after its passage.

AN ACT to incorporate the Bethlehem Savings Institution.

CHAPTER XXXII.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That Thomas Stevens, William Kelly, William Plasket, Thomas Rodgers junr., Thomas P. Armstrong, James Taggart, William Hamilton, John Henderson, Robert Patterson, John H. Menah, John Kelly, Millburn T. Abbott, John Fisler, Henry Fix, Daniel Kester, Moses Rodgers, Alexander Colville, Asa Abbott, Solomon Davis, and David C. Fix, and their associates be and the same are hereby created and made a body politic and corporate for the term of twenty years from and after the first day of May next, who shall by the name and style of "the Bethlehem Savings Institution," be able and capable in law to hold and dispose of property as hereinafter pro-

vided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever, and generally to do any other act and thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations, under the direction of Thomas Stevens, Thomas Rodgers junr., William Plasket, James Tagget, Alexander Colville, Thomas P. Armstrong and John Henderson, or any five of them, whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in a newspaper published in this State; and it shall be the duty of the persons or corporation taking stock to pay, at the time of subscribing for the same, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meetings, once in each year at such time and place as may be designated by the individuals named in the second section of this act, and by the directors that may hereafter be appropriated, [appointed] or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promoting of the interests of said company.

SEC. 4. The individuals named in the second section of this act shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Bethlehem Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as President thereof, who shall preside at all meetings and sign all contracts entered into by said company, which shall be valid, without a seal, and binding on the corporation, he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president *pro tem.* they shall fill all vacancies, which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may

be necessary to transact their business, fix their salaries or compensations, and define their powers and duties, and the said officers and servants shall hold their respective situations at the pleasure of the board under such restrictions, regulations, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from their general or annual elections, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and such other times as the president, for the time being shall order and direct, and the majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors, present, any two of whom may require the ayes and noes, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be recorded, [rescinded] by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any such stock that has not been fully paid, but shall be paid [passed] to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this state and the by-laws of the company) as they may deem necessary for the good government of the company, in which they shall prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as one hundred shares are subscribed and taken, and a board of directors organized the stockholders shall pay, and secure to the company the whole of the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder neglect or fail to pay and secure the same as above required within thirty days after being called upon by some one of the directors or servants of said corporation, either in

person or by writing left at his usual place of residence or put in the post office and directed to the town or post office nearest where such stockholder usually resides he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and at such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contracts on the demand of the depositor and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stock of any chartered bank or banks in this or any other state, and the same to sell or transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interests of the company; *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. It shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business, and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above so soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said corporation shall have full power to insure all

kinds of property against loss or damage by fire or any other risk whatever; and make insurance on life or lives; and take all kind of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate or premium or interest as may be agreed upon by the parties.

SEC. 15. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning, or discounting paper, or under any pretence of discounting or engaging to discount any note or draft unless the same be presented at their counter.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, land, and tenements belonging to said corporation as its joint property, and on a return on such execution of *'no property found'* or not a sufficiency of property to satisfy such execution, then and in that case the individual property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, shall be held for said debt to the amount of the stock he or they held therein and no further, but no execution shall issue against any stockholder in their individual charter until a *scire facias* shall be issued against and served on them to appear and show cause if any they can why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand, or liability, or that the corporation was not liable for said debt, or other legal cause of defence.

SEC. 17. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, after the same goes into operation.

This act is declared a public act and shall take effect and be in force from and after its passage.

CHAPTER XXXV.

AN ACT to incorporate the Northern Insurance Company of the State of Indiana.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Gen. John Brown, Robert S. Morrison, Robert Merryfield, Abram W. Harrison, Jacob Haas, Aaron Staunton, John H. Bradley,

David B. Freeman and William O. Ross, of the county of Laporte, and their successors duly elected as hereinafter directed, be and are hereby constituted a body corporate and politic, and by the name and style of the Northern Insurance Company of the State of Indiana, shall be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in any and all courts of justice whatever, to make and use a common seal, and the same to change at pleasure; and shall be able and capable to make contracts and enforce the same, and to make and enforce all necessary rules, regulations and by-laws necessary to enable them to carry into effect the provisions of this act, and the objects therein contemplated not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each.

SEC. 3. The directors named in this act or a majority of them shall meet on the last Saturday in February next, or as soon thereafter as possible and appoint one of their number president, and shall also appoint a secretary *pro tempore*, and as soon after said organization as convenient shall cause books to be opened in such manner and at such places as they may direct for the subscription of the capital stock of the company, for which stock all persons of lawful age, or any corporate or politic body may subscribe.

SEC. 4. As soon as two hundred and fifty shares are subscribed for, and one dollar paid on each share, it shall be the duty of the directors appointed in this act, to appoint a time and place for the holding of an election to elect twelve directors for said company, of which election three weeks notice shall be given in the public newspaper nearest the borough of Laporte; which election shall be conducted by two judges to be appointed by the stockholders then present, and the persons having a majority of the votes given shall be duly elected and shall hold their office for one year from said date, and until others are legally elected, and each share of stock shall entitle its holder to one vote, which may be given in person or by proxy.

SEC. 5. The directors so as aforesaid elected shall elect a president and secretary of the company from among their own body, and shall be empowered to do and perform, either by themselves or through their officers, all and every act or acts, necessary to be done and performed by said company.

SEC. 6. The said insurance company shall keep their office in the borough of Laporte, and shall be empowered and authorized to grant and make insurances, upon all and every kind of property, real and personal, against loss by fire, and against loss by the dangers of the lakes or rivers and other navigable waters of the United States, upon such terms and conditions, as they may agree upon, which insurances shall always be evidenced by a written or printed policy signed by the president and secretary, setting out the contract.

SEC. 7. Every subscriber for the capital stock of said company shall pay the sum of one dollar on each share subscribed for, at the time of subscribing, and as soon as the company is organized by the election of its officers, shall pay in the full amount of stock so subscribed for or so much as the directors may require thereot, or in lieu thereof shall secure the same by mortgaging to the said company, real estate of twice the value of said stock, as security for the faithful payment of the same when it shall be wanted. And said directors are hereby authorized to take said mortgages, and the same to satisfy, release renew or change at pleasure: *Provided*; that any stockholder paying into the treasury of the corporation the whole amount of his stock in cash, shall be entitled to four per cent. interest thereon for any time, that all other stock is so secured by mortgage, and not called in by the requirement of the company.

SEC. 8. The said directors shall grant certificates of stock to the stockholders, which shall state on their face the amount of the holder's stock and what part thereof is paid in, which stock shall be transferable as the directors of said company shall order and not otherwise.

SEC. 9. The said company shall be authorized to loan any funds which [may] be on hands, upon real estate or other security in such sums, and for such time as they may see proper.

SEC. 10. Any stockholder or subscriber for stock failing to pay in the amount thereof, or such part as the directors shall require, or to secure the same as above required, shall after sixty days notice forfeit the same absolutely to the company, and all instalments previously paid thereon.

SEC. 11. The said company, shall be authorized at any time they may see proper, to increase the amount of their capital to any sum not exceeding five hundred thousand dollars. Should the application for insurance require such increase: which increase of stock shall first be secured by mortgage as aforesaid.

SEC. 12. It shall be the duty of said company, whenever a policy of insurance is granted, to file among their papers, the specification of the property of the insured, if any such shall be made by him, which specification shall always be produced, as evidence of the property so insured in case of litigation.

SEC. 13. The books of the company shall always be open for the investigation of the stockholders and, and an account of the concerns of the company shall be submitted to them at the annual election of directors.

SEC. 14. The directors of said company shall fix the salaries of the president secretary and other officers, and shall appoint all agents and other officers of the company.

SEC. 15. Said company shall not hold either by legal or equitable title more real estate than is necessary for the conduct of its business: *Provided, however*, that said company may take real estate in mortgage or pledge to secure existing debts due said company, but

shall not hold the same longer than may be necessary to secure the payment of the debt due on such mortgage or pledge.

SEC. 16. That the rate of interest, which the said company may charge and receive on any loan, shall not exceed the rate of interest allowed by law to individuals.

SEC. 17. This act and every thing therein contained shall wholly cease twenty years from and after its approval by the governor.

SEC. 18. The stockholders of said company shall be liable out of their own estates for the debts of said company to double the amount of the stock held by them: *Provided* that the stockholders shall not be so liable until judgment shall be obtained against the said corporation, and an execution issued against the corporation shall have been returned without having made the full amount of such judgment for want of effects whereof to make the same, and the creditor, when such return shall have been made, shall be entitled to sue out his writ of scire facias, summoning the said stockholders to show cause if any they can why execution should not issue against them.

SEC. 19. This act shall be deemed and taken to be a public act, shall take effect and be in force from and after its passage.

CHAPTER XXXIV.

AN ACT to incorporate the Evansville and Vincennes Rail Road Company.

(APPROVED, JANUARY 26, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Robert M. Evans, James Lewis, John Shanklin, James Cawson and John Mitchell of the county of Vanderburgh, John I. Neely, John Brownlee, William French, Patrick Payne and William Daniel of the county of Gibson; Samuel Emison, William Burtch, Albert Badolet, John B. Martin, and Thomas Westfall of the county of Knox, and their successors in office, duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the "The President and Directors of the Evansville and Vincennes Rail Road Company," shall be able and capable in law and equity, to sue and be sued plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulation, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be five

hundred thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place, as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization any three of the board shall form a quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen to their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of one hundred dollars, for each share of stock set opposite our names, in such manner and proportions and at such time, as the president and directors of the Evansville and Vincennes Rail Road Company may direct. Witness our hands, this day of 183 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened, at any time; and they may, by an agent, offer for sale in any other state, any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as twenty-five hundred shares are subscribed and ten dollars are paid on each share, it shall be the duty of the corporation to give four weeks notice thereof in each of the newspapers printed in the several counties mentioned in the first section of this

act, and in such notice, appoint a time and place for the stockholders to meet, and elect nine directors, who shall be stockholders to the number of at least five shares each, and citizens of this State; which election shall be held within three months after the last share in the twenty-five hundred shares, is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or execulor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first shall be held on the first Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on another day.

SEC. 10. Certificate of stock shall be given to the stockholder, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, execulor, trustee, or guardian; but such stock shall at all times be helden by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five percent. of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in the several weekly newspapers printed in the counties in the first section of this act mentioned, or by giving written notice to stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time mentioned for such payment,

the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. per month interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, six months thereafter, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends of his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents shall have full power, from time to time, to examine, survey, mark, and locate the route for a rail road, for a single or double track, commencing at Evansville, in Vanderburgh county, and running on the best ground for the interest of the company, and the convenience of the public, by Princeton, in Gibson county, to Vincennes in Knox county, with full power in all cases, to diverge from a direct line, where more favorable ground can be had for the construction of the road, the same to be not more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land, to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials necessary for the construction of said road, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, wood, or other material, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their

action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, that all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where the difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause, why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, idiots, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, such justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials; costs shall be allowed or awarded, against either party at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same, along and upon any state or county road: *Provided however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records; *And provided also*, that such right shall be granted on

condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

Sec. 19. That when said corporation shall have procured the right of way, as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

Sec. 20. The corporation shall commence the construction of said road, any time within five years, and from time to time, construct so much towards the point of destination, as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act, shall be extended to, and invested in said corporation, to such part of said road as shall then be completed.

Sec. 21. It shall be the duty of said corporation, whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said road shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, that such owner of land shall not injure or obstruct said road.

Sec. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

Sec. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, or bridges connected therewith, as shall be for the interest of the company, and the same to change,

lower or raise at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

Sec. 24. That when the aggregate amount of dividends declared, shall amount to the full sum invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expences and reserving such proportion as may be necessary for future contingencies, shall be paid over to the treasurer of state for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, if required, a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

Sec. 25. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the directors may reserve such proportion of the profits as a contingent fund to meet subsequent expenditures, as they shall deem proper.

Sec. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

Sec. 27. The State reserves the right, to subscribe for five hundred shares of the stock, at any time within five years from the commencement of the work.

Sec. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken, as they may think proper.

Sec. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of the call; and a majority of the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine. Any chartered company may have the liberty of joining or intersecting said road north of Vincennes.

SEC. 31. The State in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 32. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors, to any number not less than five.

SEC. 33. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of Secretary of State; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

SEC. 34. That if said [road] after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 35. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 36. This charter is limited to seventy-five years in duration.

SEC. 37. The corporation shall cause to be kept a fair record of the whole expence of making and repairing said rail road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the state shall have the right to purchase the stock of said company, at any time after fifty years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature; and if said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end. No privilege granted by this charter shall interfere

with the right of the State to construct a canal in or near the route of the proposed rail road.

SEC. 38. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favourably construed for all benefical purposes.

CHAPTER XXXVI.

AN ACT to incorporate the St. Joseph's Mutual Insurance Company.

[APPROVED FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel Sample, Horatio Chapin, L. M. Taylor, A. Coquillard, John Brownfield, Elias Smith, Orlando Hurd, J. E. Hollister, J. H. Orr, Francis P. Taylor, A. M. Hurd, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation by the name of the St. Joseph's County Mutual Fire insurance company for the purpose of insuring their respective dwelling houses, stores, shops, and other buildings, household furniture and merchandize against loss or damage by fire.

SEC. 2. Every person who shall at any time become interested in said company, by insuring therein, and also his heirs, executors, administrators and assigns continuing to be insured therin as hereinafter provided, shall be deemed and taken to be members thereof, for and during the terms specified in their policies, and no longer, and shall at all times be included and bound by the provisions of this act.

SEC. 3. The [affairs] of said company shall be managed by a board of directors, which shall consist of nine stockholders, as hereinafter provided. All vacancies happening in said board may be filled by the remaining members, and a majority of the whole number shall constitute a quorum for the transaction of business.

SEC. 4. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy deposit his promissory note for such sum of money as shall be determined by the directors; a part, not exceeding ten per cent. of which said note shall be immediately paid, for the purpose of discharging the incidental expenses of the institution, and the remainder of said note shall be payable in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses or other expenses; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the signer thereof.

SEC. 5. Every member of said company shall pay his portion of all losses or expenses happening or accruing in and to said company: and all buildings insured by and in said company, together with the right, title, and interest of the *assured* to the lands on which they stand, shall be pledged to said company, and the said company shall have a lien thereon against the *assured* during the continuance of his policy. The said company shall cause a certificate of such policy, stating the date, term of years and lien on said estate, in such forms as shall be provided by the directors, to be recorded in the county clerk's office in which said land lies, or said lien shall not be construed to effect the right of a subsequent purchaser of said real estate.

SEC. 6. In case of any loss or damage by fire, happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, or some one of them, or to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors upon a view of the same, or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage, and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to *referees*, or the party may bring an action against said company for loss or damage, at the next court, to be holden in and for the county of St. Joseph, and not afterwards, unless said court shall be holden within sixty days after said determination, but if holden within that time, then at the next court holden in said county thereafter; and, if, upon the trial of said action, a greater sum shall be recovered than the amount determined on by the directors, the party suffering shall have judgment therefor against said company, with the interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid, the said party shall become non-suit, and the said company shall recover their costs. But the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss, or damage as determined by the directors aforesaid. Execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

SEC. 7. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for such loss or damage, settle and determine the sum to be paid by the several members thereof, as their respective portions of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after

said notice, neglect or refuse to pay the sum assessed, as his portion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which insurance was made.

SEC. 8. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company, shall receive towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured; and in addition thereto a sum to be assessed on all the members of said company, not exceeding one dollar on every hundred dollars by them respectively insured; and the said members shall never be required to pay for any loss occasioned by fire, at any one time, more than one dollar on each hundred dollars insured in said company in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member upon the payment of the whole of his deposit note, and surrendering his policy, before any subsequent loss or expense has accrued, may be discharged from said company.

SEC. 9. The said company may make insurance for any term not exceeding ten years; and any policy and insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title in fee simple, unencumbered, to the building or buildings insured, and to the land covered by the same, but if the assured have a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title of the assured, and the incumbrance on the premises be expressed therein, and in the application therefor.

SEC. 10. When any house or other building shall be aliened by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company, to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender. But the grantee or alienee, having the policy assigned to him, for his own proper use and benefit, upon application to the directors, and with their consent within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors for such portion of the deposit or premium note, as shall remain unpaid, shall be entitled to all the rights and privileges, and subject to all the liabilities of the original party insured.

SEC. 11. If any alteration shall have been made in any house or building by the proprietor thereof, after insurance with said company whereby it may be exposed to greater risk or hazard from fire than it was when insured, the insurance made upon such house or building shall be void unless an additional premium or deposit, after such alteration, be settled with and paid to the directors.

SEC. 12. All business of said company shall be done at the county seat of St. Joseph county.

SEC. 13. Samuel Sample, Horatio Chapin, L. M. Taylor, A. Coquillard, John Brownfield, Elias Smith, Orlando Hurd, J. E. Hollister, and J. H. Orr, shall be the first directors of said company, who may call the first meeting of the directors of said company, at any time and place at the county seat aforesaid, by posting up a notice of the same on the court house door at South Bend and at the store of A. M. Hurd & Co. at the village of Mishawaka, giving at least fifteen day's notice. This act is limited to fifty years.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVII.

AN ACT to incorporate the Bloomington Savings Institution.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That David H. Maxwell, Jacob B. Lowe, John Bowland, James K. Hemphill, Barton R. Byers, Jonathan Nichols, Austin Seward, William Alexander, John Orchard, Joseph M. Howe, John Bennet, George H. Johnson, David Kellough, James W. Carter, Cornelius Pering, John M. Sluss, Alexander Owens, John Graham, Willis A. Gorman, William C. Foster, Lewis Bollman, Alonzo Beeman and Frederick T. Butler, and their successors in office, duly appointed or elected, as hereinafter directed, be, and the same are hereby made a corporation and body politic for the term of twenty years, who shall by the name and style of "the Bloomington Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations, under the direction of the above named persons, whose duty it shall be to give three weeks notice, of the time and place of opening books for subscription, in some newspaper printed in Bloomington; and it shall be [the duty] of the persons or corporation taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in a general meeting, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Bloomington Savings Institution shall, at their first meeting after the passage of this act, and at the first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation, and shall hold his office until the next annual election, and until his successor be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compensations, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the stockholders, shall be sufficient to elect. At every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder

having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual elections, and until their successors shall be elected and qualified.

Sec. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being shall order and direct, and the majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two [of whom] may require the ayes and noes, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded, by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders; *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

Sec. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they shall prescribe the manner in which stock shall be transferred.

Sec. 9. That so soon as four hundred shares are subscribed and taken, and a board of directors organized the stockholders shall pay and secure to the company the whole of the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any of the stockholders shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by a writing left at his usual place of residence or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

Sec. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contracts on the demand of the depositor, and on the failure to do so shall pay an interest of ten per

centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

Sec. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stock of any chartered bank or banks in this or any other State, and the same to sell or transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

Sec. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

Sec. 13. It shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

Sec. 14. That said corporation shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and make insurance on life or lives; and take all kind of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate, or premium or interest as may be agreed upon by the parties.

Sec. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under colour or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or

any other paper or writing, which can be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, land, and tenements belonging to said corporation as its joint property, and on a return on such execution of "no property found" or not a sufficiency of property to satisfy such execution, and not until then, another execution may be issued and levied on the goods and chattels, lands and tenements of each or any stockholder or stockholders of said corporation, to the amount of stock he or they hold therein, and no further, and of each or any stockholder or stockholders, who were such at the time the debt, demand or liability, on which such execution issues, first accrued against said corporation.

SEC. 17. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

AN ACT to amend an act, entitled "An act to incorporate the Wabash and Michigan Rail Road Company," approved February 2, 1832.

(APPROVED JANUARY 6, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John McCormick, William T. Reynolds and Jacob Walker of the county of Tippecanoe, be and they are hereby appointed directors of the Wabash and Michigan rail road company, in the stead of William C. Linton, James Blair and James Armstrong, who were three of the first directors of said company; and the said John McCormick, William T. Reynolds, and Jacob Walker are hereby invested with all the rights, powers and privileges, which their predecessors in office had, or might or could have, and they are hereby authorized to enjoy and exercise the same, as though they were originally appointed directors of said company by the act of its incorporation.

SEC. 2. That the time limited for the commencement of the construction of said road, as contemplated in the 20th section of the act to which this is an amendment, shall be extended for the space of two years, making the same five years at any time after the extinguishment of the Indian title to land, through which said road may pass; and the said same additional period of two years be given and

allowed for the completion of said road, making fourteen years from the time of its commencement.

SEC. 3. The said charter, of which this is an amendment, is limited in duration, to seventy-five years.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIX.

AN ACT to amend the act to "incorporate the Michigan City of Kankakee & Rail Road Company."

(APPROVED JANUARY 30, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the "act to incorporate the Michigan city and Kankakee rail road company" approved February 6th, 1835, be so far amended as to authorize the company to use any surplus water for Manufacturing purposes, along the line of the canal or rail road, so as not to prejudice the rights of the public or of individuals.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XL.

AN ACT to incorporate the Crawfordsville, Covington and Illinois Rail Road Company

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That William Bratton, David Clark, Thomas M. Curry of Montgomery county; David Rawles, Benjamin F. Wallace, and Franklin Merrill of Fountain county; and Joseph Foster of Warren county, and their successors in office, duly elected as hereinafter directed, are hereby constituted, and appointed a body politic and corporate, and by the name and style of the "Crawfordsville, Covington and Illinois Rail Road Company," shall be able and capable in law and equity, to sue and be sued plead and be in pleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this

act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place, as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen to their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of one hundred dollars, for each share of stock set opposite our names, in such manner and proportions and at such time, as the president and directors of the Crawfordsville Covington and Illinois Rail Road Company may direct. Witness our hands, this day of 183 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened, at any time; and they may, by an agent, offer for sale in any other State, any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as twenty-five hundred shares are subscribed and ten dollars are paid on each share, it shall be the duty of the corporation to give four weeks notice thereof in each of the newspapers printed in the several counties mentioned in the first section of this act, and in such notice, appoint a time and place for the stockholders to meet, and elect twelve directors, who shall be stockholders and citizens of this State; which election shall be held within three months after the last share in the twenty-five hundred shares, is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body to be president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first shall be held on the first Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on another day.

SEC. 10. Certificate of stock shall be given to the stockholder, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five percent, of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in the several weekly newspapers printed in the counties in the first section of this act mentioned, or by giving

written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. per month interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends of his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents shall have full power, from time to time, to examine, survey, mark, and locate the route for a rail road, for a single or double track, commencing at Crawfordsville and running on the best ground for the interest of the company, by Covington in Fountain county, thence through Warren county to the state line in a direction towards Danville in Illinois, with full power in all cases, to diverge from a direct line, where more favorable ground can be had for the construction of the road, the same to be not more than eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood or other materials necessary for the construction of said road, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, wood, or other material, for the benefit of said corporation; and all such contracts, relinquishments, do-

nations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may lie, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, that before such location shall be made, the

corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also,* That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured the right of way, as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road, any time within five years, and from time to time, construct so much towards the point of destination, as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided,* That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same: *Provided also,* That if any part of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act, shall be extended to, and invested in said corporation, to such part of said road as shall then be completed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state and county road shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner; *Provided,* that such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole be not finished, and they may charge

for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided,* that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends declared, shall amount to the full sum invested, and six per cent. per annum interest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, if required, a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the directors may reserve such proportions of the profits as a contingent fund to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided,* That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. The State reserves the right, to subscribe for five hundred shares of the stock, at any time within five years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners, of each and every county through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken, as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice, in one or more newspapers, and specifying in such notice, the object of the call; and a majority of the stock being represented, they may make such order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporataion may by contract, admit the intersection with the said road, with any other rail road, turnpike, or any other road, or any collateral road.

SEC. 32. The State in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of Secretary of State; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

SEC. 35. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 37. This charter is limited to seventy-five years in duration.

SEC. 38. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after fifty years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature; and if

said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 39. That each stockholder shall be held responsible, to all creditors for any and all debts and demands against said corporation, which shall accrue while he is such stockholder, in his individual capacity, to the amount of his stock and no further on failure of a sufficiency of property belonging to said company to be recovered by suit in equity or otherwise: *Provided*, That said corporation shall at no one time, be indebted to an amount exceeding the stock sold and held in said company. In case of excess, the directors under whose administration the same may happen, and by whose order or vote the same may have been created, shall be liable therefor in their individual capacity, but nothing in this section contained shall be so construed, as to exempt said corporation, on the stockholders thereof in manner aforesaid, from being also liable for said excess.

SEC. 40. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favourably construed for all benefical purposes.

CHAPTER XLI.

AN ACT to incorporate the Connersville and Fort Wayne Savings Institutions and Insurance Companies.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Meredith Helm, Newton Claypool, Jefferson Sample, Riland T. Brown, William Watten, George Tryburger, Daniel Hankins, John Allen, George L. Tearis, Amos Conckling, Robert Miller, Jesse Holton, Samuel Rees, and Robert Griffis, and their associates be and the same are hereby created and made a body politic and corporate for the term of twenty years from and after the first day of May next, who shall by the name and style of the Connersville Savings Institution be able and capable in law to hold and dispose of property as hereinafter provided, and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or, in any other place whatever, and to receive and make all deeds, transfers, contracts, covenants, conveyances, and grants whatsoever, and generally to do any other act and thing necessary to carry into effect the provisions of this act, and promote the object and design of the corporation, and shall have power to make and use a common seal, and the same change and renew at pleasure.

SEC. 2. The capital stock shall be one hundred thousand dollars to be divided into shares of twenty-five dollars each, to be subscribed and paid for by individuals, companies, or corporations, under the direction of Meredith Helm, Daniel Hankins, Theodore R. Lewis, George Tryburger, William Watten, Amos Conkling, and John Allen, or any five of them whose duty it shall be to give three weeks notice of the time and place of opening books of subscription in the newspaper printed in the said town of Connersville, and it shall be the duty of the persons or corporation taking stock to pay, at the time of subscribing for the same, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together in general meeting once in each year, at such time and place as may be designated by the individuals named in the second section of this act, and by the directors who may hereafter be appointed or elected, who shall at such meetings have power to pass such by-laws (not inconsistent with the constitution and laws of this State) as to them may seem needful for the government of the directors and for the management and disposition of the stock, property, estate, funds, and business of the corporation. They shall at their first meeting appoint the time and place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business as to them may seem proper for the promotion of the interests of said corporation.

SEC. 4. That the persons named in the second section of this act shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Connersville savings institution shall at their first meeting after the passage of this act, and at their first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings, and sign all contracts entered into by said company, which shall be valid without a seal and binding on the corporation. He shall hold his office until the next annual election, and until his successor shall be elected and qualified, and in case of his death, resignation, or absence, the board shall appoint a president *pro tem.*, they shall fill all vacancies which may occur in their own body who shall hold their offices until their successors are elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business, fix their salaries or compensations, and define their powers and duties, and the said officers and servants shall hold their respective offices and situations at the pleasure of the board, under such restrictions, regulations and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public under the inspection of three stockholders shall be sufficient to elect. That at every

such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time of voting, unless he holds a greater number of shares than fifty, in that case, one vote for every ten shares over fifty, and any stockholder not attending such election or other meeting of stockholders, and having a right to vote may vote by proxy, under such regulations as may be prescribed in the by-laws of said corporation; and should the stockholders fail to meet on the day appointed to elect their directors it shall be lawful for them to meet on some other day under the provisions of their by-laws and elect their directors, all of whom shall hold their offices one year from their general or annual election and until their successors are elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president for the time being, shall order and direct; and a majority of the whole number of the directors shall form a quorum, and all questions before the board, shall be decided, *viva voce*, by a majority of the directors present, any two of whom may require the ayes and noes on any proposition to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted, or made. They shall in the first week in January and July of each year, make out and declare such dividends of the profits, resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, no such dividend shall be paid on any stock that has not been fully paid, but shall be carried to the credit of such stock as part payment thereof.

SEC. 8. That so soon as one hundred shares are subscribed and taken, and a board of directors organized, the stockholders shall pay, and secure to the company, the whole of the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors, and if any stockholder shall neglect or refuse, or fail to pay and secure the same, as above required, within sixty days after being called upon by one of the directors or servants of the said corporation, either in person or by writing, left at his usual place of residence, or put in the post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed, and when the stock of said company shall be paid and secured as above, (and not before) the said company may commence business.

SEC. 9. Said company shall receive deposits of gold and silver coins, and of bullion and moneys of every description, on such terms and at such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract, on the demand of the depositor, and on the failure to do so, shall pay an interest of ten

per centum per annum, from the time of demand, until the same shall be paid, and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 10. That it shall be lawful for said company to invest any part of their capital stock, moneys, funds or other property in any public stocks or funded debts, or in the stock of any chartered bank or banks, in this or any other State, and the same to sell or transfer at pleasure, and re-invest, whenever and so often as the situation of said company, or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security, for such periods of time, and under such restrictions and limitations as the directors thereof for the time being shall deem prudent, and the best interest of the company: *Provided*, That contracts for interest shall not be for a higher rate than is allowed by law to individuals, at the time of such contract.

SEC. 11. Said company shall not use or employ any part of the capital stock, money or other funds in the purchase of goods, wares or merchandize, nor shall they emit any bill of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin, bullion and bills of exchange.

SEC. 12. It shall not be lawful for said company to hold any real or persons estate except such as shall be necessary for the transaction of their business, and such as shall be *bona fide* mortgaged, pledged, and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees, or orders, adjudged, decreed or ordered, on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same, in the same manner as natural persons proceed, on such securities for the purpose of converting the same into money: *Provided*, That said corporation shall not hold real estate an unreasonable time; but shall sell all that may be taken as above, so soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 13. Said corporation shall have full power to insure all kind of property against loss or damage against fire, or any other risk whatever, and to make insurance on life or lives, and take all kinds of marine risks whatever on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business, and to underwrite any foreign or domestic bill of exchange, bond, note or obligation, and generally to do and perform all other matters and things connected with insurances of every description, in all of which business and transactions, the said company may charge such rate or premium as may be agreed upon by the parties.

SEC. 14. That the said corporation shall not at any time nor [under] any circumstances, loan money under any color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other papers or writing which may be construed or made to answer the usual purposes for which the notes of the State Bank or its branches, or any other banking institution are designed or can be made to answer.

SEC. 15. It shall not be lawful for said corporation to place in the hands of any person or persons, directly or indirectly, any money or bank notes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note or draft, unless the same be presented at their counter.

SEC. 16. That in all cases where execution shall issue against said corporation, the same shall be first levied on the goods, chattels, lands and tenements belonging to said corporation, as its joint property, and on a return on such execution of *no property found*, or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who are stockholders at the time the debt, demand, or liability occurred, shall be held for said debt to the amount of his, her or their stock and no farther; but no execution shall issue against any stockholder, in their individual character, until a *scire facias* shall be issued against and served on them to appear and show cause, if any they can, why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debts, demand, or liability, or that the corporation was not liable for said debt, or any other legal cause of defence.

SEC. 17. No person shall be a director or officer of this institution who is a director of any branch of the State Bank of Indiana.

SEC. 18. The directors shall at no time be allowed to borrow money out of any branches of the State Bank in their corporate capacity.

SEC. 19. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all the matters relative thereto. This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

SEC. 20. *And be it further enacted by the General Assembly of the State of Indiana*, That Samuel Hannah, Henry Cooper, Charles W. Ewing, Thomas Johnson, James Embree, C. Fairfield, C. W. Jefries, P. G. Jones, S. W. Swainey, D. Archer, A. Hull, M. S. Mills, L. G. Belamy, W. M. Moon, John Jamison, S. Sowers, John Spencer, John Majors, R. W. Dawson, Henry Work, John B. Boura, Charles Fairfield, Samuel Lilley, Stephen Coal, and R. Brackenridge, and their associates, be, and the same are hereby created and made a body politic and corporate for the term of twenty years, from and after the first day of May next, who shall, by the name and

style of the Fort Wayne Savings Institution be able and capable in law to hold and dispose of property as hereinafter provided.

SEC. 21. The capital stock shall be one hundred thousand dollars to be divided into shares of twenty five dollars each, to be subscribed and paid for by individuals, companies, or corporations, under the directions of Samuel Hannah, Henry Cooper, Thomas Johnson, M. S. Wines, C. Fairfield, C. W. Jeffries, P. G. Jones, S. W. Swaney, and C. W. Ewing, or any five of them, who shall be governed in all respects as the persons appointed in the second section of the act creating the Connersville Savings and Insurance institution; and said Fort Wayne Savings and Insurance institution shall have all the powers and privileges given to the Connersville Savings and Insurance institution, and be liable in like manner to the same liabilities, and be governed in all respects as provided in the act incorporating said Connersville Savings and Insurance institution.

SEC. 22. *And be it further enacted by the General Assembly of the State of Indiana,* That Francis Miller, Isaac C. Elston, John Wilson, Robert C. Gregory, Magenis Holmes, William Burford, Samuel C. Vance, Jacob Winn, William G. McMakan, Henry Crawford, John M. Fisher, William Nickelson, Fountain Pullen, Providence M. Curry, and Alfred Ramey, of the county of Montgomery, and their associates and successors in office, be and they are hereby made and created a body politic and corporate for the term of twenty years from and after the first day of May next, who shall, by the name and style of the "Crawfordsville Insurance and Savings Institution," have all the powers, rights and privileges of a corporation; and who shall, by said name and style, be able and capable in law and equity, to purchase and hold and dispose of, all property, both real and personal, as herein before provided.

SEC. 23. The capital stock of said Crawfordsville Insurance and Savings Institution shall be one hundred thousand dollars, and shall be divided into shares of twenty-five dollars, each; the same to be subscribed and paid for by individuals, companies, or corporations under the direction of the persons or a majority of them, in the 23d [22d] section of this act mentioned, who shall be governed in all respects, in opening books and taking subscriptions of stock and otherwise, as the persons appointed by the second section of this act, creating the Connersville Savings and Insurance Institution; and the said Crawfordsville Insurance and Savings Institution and the president and directors thereof, and their successors, shall have all the powers, right and privileges by this act, given to the Connersville Savings and Insurance institution; and in all things in the management of said institution, be liable to like restrictions and limitations, and in all other respects be governed by the provisions of this act, and this is hereby created a public act.

The sections creating the Fort Wayne Savings Institution are hereby declared to be a public act, and shall be in force from and after its passage.

CHAPTER XLII.

AN ACT to incorporate the Charlestown Savings Institution.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That W. W. Goodwin, John Shelby, John W. Long, John R. Work, James Sharp, William Parker, Jefferson Carr, John S. Simonson, David Patterson, George Canter, Morris W. Sellers, Christopher Cole, Henry Harrod, John Austin, Benjamin Ferguson, Henry Bottorff, senior, John Denny, Hezekiah Robinson, and James Bentley, and their associates be and they are hereby created and made a body politic and corporate for the term of twenty years from and after the first day of May next, who shall by the name and style of "the Charlestown Savings Institution," be able and capable in law to hold and dispose of property as hereinbefore provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatsoever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations, under the direction of W. W. Goodwin, John W. Long, John R. Work, James Sharp, William Parker, Jefferson Carr, John S. Simonson, David Patterson, George Canter, John Shelby, Moses W. Sellers, Christopher Cole, Henry Harrod, John Austin, Benjamin Ferguson, Henry Bottorff, senior, John Denny, Hezekiah Robinson, and James Bentley, or any five of them whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in some newspaper published in said town of Charlestown, and it shall be the duty of the persons or corporation taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meetings, once in each year at such time and place as may be designated by the individuals, named in the second section of this act, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and

place for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. The individuals named in the second section of this act, shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Charlestown Savings Institution shall, at their first meeting after the passage of this act, and at the first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by said company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compensations, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders, shall be sufficient to elect. At every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from their general or annual elections, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being shall order and direct, and the majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the ayes and noes, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the

time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be paid [passed] to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State, and the by-laws of the company,) as they may deem necessary for the good government of the company in which they shall prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed and taken, and a board of directors organized the stockholders shall pay and secure to the company the whole of the amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by a writing left at his usual place of residence or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contracts on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stock of any chartered bank or banks in this or any other State, and the same to sell or transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interest of the company: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the

capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said corporation shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and make insurance on life or lives; and take all kind of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate or premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under colour or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper or writing, which may be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note or draft unless the same be presented at their counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of *'no property found'*

or not a sufficiency of property to satisfy such execution, then and in that case the individual property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, shall be held for said debt to the amount of the stock he or they held therein and no further, but no execution shall issue against any stockholder in their individual charter until a *scire facias* shall be issued against and served on them to appear and shew cause if any they can, why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand, or liability, or that the corporation was not liable for said debt, or other legal cause of defence.

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

CHAPTER XLIII.

AN ACT to incorporate the Princeton and Wabash Rail Road Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Brownlee, William Daniel, William French, Patrick Payne, John Decker, John Hargrove, James Diven, John C. Warrick, Charles Harrington, and their successors in office, duly elected as hereinafter directed, are hereby constituted, and appointed a body politic and corporate, and by the name and style of the "the President and Directors of the Princeton and Wabash Rail Road Company," shall be able and capable in law and equity, to sue and be sued plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be one hundred and twenty thousand dollars, divided into shares of fifty dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place, as they may agree on, and organize said corporation by electing one of their own body to be president, and after such organization three of the board shall be a

quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules and regulations, and all orders for the payment of such allowances as may be made to their officers, servants and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president pro tempore: they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions and at such time, as the president and directors of the Princeton and Wabash Rail Road Company may direct. Witness our hands, this day of 183 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for such space of time, and at such place or places, as the corporation shall choose, and may be re-opened, at any time; and they may, by an agent, offer for sale in any other State, any amount of stock, on such terms and conditions as may be thought advisable; and they shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as five hundred shares are subscribed for, and ten dollars are paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in one or more newspapers; and in such notice, appoint a time and place for the stockholders to meet, and elect thirteen directors, who shall be stockholders and citizens of this State; which election shall be held within three months after the last share in the one hundred shares, is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of votes given and counted in public, shall be declared duly elected. No

share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first shall be held on the third Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificate of stock shall be given to the stockholders, which shall be evidence of the stock held; it shall be signed by the president, and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five percent, of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some weekly newspaper, printed nearest the place where a majority of the stock is held, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time prescribed for the payment thereof, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with five per cent, per month interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid

thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends on his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents shall have full power to examine, survey, mark, locate and establish a rail road for a single or double track, from the town of Princeton in the county of Gibson, to the most convenient and eligible point on the Wabash river, opposite the town of Mount Carmel, Illinois, with full power in all cases, to diverge from a direct line, where more favorable ground can be had for the construction of the road, the same to be not more than eighty feet wide.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for its construction and location, as also the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, wood, or other material, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, and signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract between the parties cannot be made, it shall be lawful for

the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as previous to such occupation.

SEC. 19. That when said corporation shall have procured said right of way, as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in any way interfere therewith, molest, disturb, or injure any of the

rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road, any time within five years, after the opening of the books, and from time to time, construct so much towards the point of destination, as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same: *Provided also*, That if any part of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act, shall be extended to, and invested in said corporation, to such part of said road as shall then be completed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state and county road shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of such land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of such owner: *Provided*, that such owner of land shall not injure or obstruct said road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state for travel, although the whole be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends shall amount to the full sum invested, and six per cent. per annum in-

terest thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, at each session thereof, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officer, whose duty it shall be to make the same.

SEC. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the several stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the corporation may reserve such proportions of the profits as a contingent fund to meet subsequent expenditures, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. That the State reserves the right, to subscribe for eight hundred shares of the stock, at any time within three years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners, for the county through which said road passes, for and on behalf of such county, to authorize by an order, as much of the stock to be taken, as they may think proper, at any time within five years from the opening of the books.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 30. Any number of stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice thereof, in which specifying the object of the call; and a majority of the stock being represented, they may make such

order relative to the concerns of the company, as a majority may determine.

SEC. 31. The corporation may by contract, admit the intersection with the said road, with any other rail road, turnpike, or any other road, or any collateral road.

SEC. 32. The State in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pays the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

SEC. 35. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 36. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 37. This charter is limited to fifty years in duration.

SEC. 38. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, or any section thereof, with all incidental expenses; and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after twenty-five years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature; and if said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 39. This act to be in force from and after its passage, and shall be taken to be a public act, and shall be favourably construed for all beneficial purposes.

CHAPTER XLIV.

AN ACT to incorporate the Indianapolis Insurance Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be, and hereby is established in the town of Indianapolis, an Insurance Company, with a capital stock of two hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies or corporations, in manner hereinafter specified; which stockholders and subscribers and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "The Indianapolis Insurance Company," for the period of fifty years from and after the passage of this law; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, and in all matters, whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company for the security, or in payment of any debt, which may become due, and owing to the same, or in satisfaction of any judgment of any court of law or any order or decree of any court of equity, in their favor; and may have and use a common seal, and the same alter, change, break or renew at pleasure; and may also make, ordain establish and put in execution, such by-laws ordinances, rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, that no by-laws, ordinances, rules or regulations of said company, shall in any wise be contrary to the constitution and laws of this State or of the United States: *And provided also*, that said company shall not own or hold at any one time, a greater amount of real estate, than shall be of the value of two hundred thousand dollars.

SEC. 2. That said corporation shall have full power and lawful authority, to ensure all kinds of property, against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandize and produce, in the course of transportation or otherwise, whether on the land or on the water, and [on] any vessel or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry or respondentia, to cause themselves to be ensured against any loss or risk they may have incurred in the course of their business, and against any maritime or other risk upon the interest which they may have in any vessel, boat, goods, merchandize or other property by means of any loan or loans which they may make on mortgage,

bottomry and respondentia, and generally to do and perform all other necessary matters and things connected with and proper to promote these objects.

SEC. 3. That it shall be lawful for said company to invest any part of their capital, stock, money, funds, or other property, [in] stocks or funded debts, created or to be created, by or under any law of the United States, or of this or any other particular State, or in the stock of any chartered bank of the United States, or any branch thereof; and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stock or funds, whenever and as often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same or any part thereof to individuals or corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, and upon such terms as the directors thereof for the time being shall deem prudent and best for the interest of said company: that the office of "The Indianapolis Insurance company," be, and the same is hereby made an office of discount and deposit, and are hereby authorised to deal in exchange and the discount of promissory notes, and to receive cash and the bank bills of any incorporated bank on deposit, for such time and on such interest as may be agreed on, and to discount or loan the same, upon such terms and upon such rate of interest, as may be agreed upon between said company and the person or persons, company or corporation, discounting or borrowing the same, not exceeding the rate of interest individuals are allowed by law to receive: *Provided however*, that all deposits made in said office, shall be refunded and paid by said corporation, on demand, in specie or its equivalent; except where special deposits are made, which shall be refunded and paid as agreed upon: *And provided, also*, that it shall not be lawful for said corporation, to issue or emit any bills of credit or any bills payable to order or bearer as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than as aforesaid.

SEC. 4. That in all cases where said company shall refuse to pay deposits made in said office, on demand, the amount of the same shall be recovered by motion or suit in any court of competent jurisdiction, ten days previous notice of said motion, if before the circuit court, and three days notice if before a justice of the peace, having been given, and upon judgments rendered therein, and upon all other judgments against said corporation, for deposits, shall be allowed ten per cent. damages, and interest after the rate of six per cent. per annum, from the date of such legal demand, and upon which judgments there shall be no stay of execution.

SEC. 5. That it shall be sufficient service of process on the corporation hereby created, to execute a writ or notice on the president or secretary, or any of the directors, for the time being; and such service shall authorize judgment on proceedings by default, against

the corporation, without appearance or plea by the corporation in the same manner that judgments or proceedings are taken by default against individual persons, on the execution of process.

SEC. 6. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and citizens of the State of Indiana, and after the first election they shall be elected by the stockholders, on the second Monday in October annually, at such time of day and at such place, in the town of Indianapolis, as said directors for the time being shall direct; they shall hold their offices for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and all other meetings of the stockholders held under the provisions of this act, each shall be entitled to one vote for each share: *Provided*, that no stockholder shall be entitled at any time to more than twenty-five votes, and any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen, that an election of directors should not be made on any day, when by this act ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 7. That the directors duly chosen under the provisions of this act, shall, as soon as may be after the first, and every annual election, elect from their own body, a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president *pro tempore*; they shall fill all vacancies which may occur in their own body during the time for which they were elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and

proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings, agreeably to their own regulations, and at such times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers, and connected with their duty; and all questions before the board shall be decided *viva voce* by a majority of the directors present, any two of whom may require the yeas and nays to be taken on any proposition submitted, and entered in the journal of their proceedings, and no votes shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July annually, make and declare such dividends of the profits resulting from their business, as shall not impair or in any wise lessen the capital stock of the same, and, cause the same to be paid to the several stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid for, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary at every annual election or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

SEC. 9. That the stock of said company shall be assignable and transferable, on the books of the same or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations, as may be established by the directors; and all such stock shall be held and considered as personal property.

SEC. 10. That any number of stockholders, who shall at the time be the owners of one tenth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting, and the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, and may make and prescribe such by-laws, ordinances, rules and regulations, as to them shall appear need-

ful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

SEC. 11. That books for the subscription to the capital stock of said company, shall be opened in the town of Indianapolis by and under the direction of William Young, Douglass Maguire, John Cain, Calvin, Fletcher, M. M. Henkle, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in said town; and it shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares; and such individual, company, or body corporate shall at the time of subscribing, pay to the said commissioners, one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors, which election shall in all respects be governed by the provisions of this act for the election of directors, and the board of directors thus elected, shall constitute the first board and shall continue in office until the next annual election.

SEC. 12. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all moneys that may be in their hands belonging to said company, and deliver over to them, all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder, the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be made, by giving real or personal security to the satisfaction of the directors: and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing: *Provided*, that the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one tenth of the capital stock; all the remaining balance of the stock shall be offered for sale, at such time and place, and on such terms, as the directors for the time being may from time to time, direct.

SEC. 13. That when said corporation shall have commenced business as aforesaid and shall grant any policy or policies of insurance, on any kind of property, real or personal, against loss or damage by fire, or any other cause, or risk on any goods, merchandize or produce, whether on the land or on the water, or any vessel or boats whatever and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 14. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors to assign such policy to the vendee or vendees of such property, and such assignee, or assignees shall have the full benefit thereof; *Provided*, that before any loss happens, notice shall be given to said company of said assignment; *And provided*, that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 15. That whenever said corporation shall be notified of any loss, sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided* there shall have been no violation of the condition of the policy on the part of the insured; and on all judgments obtained by or against said corporation, there shall be no stay of execution, except on judgments for money loaned, and on discounted promissory notes, upon which said judgment for money loaned, and discounted notes, there shall be allowed the same stay of execution, as now, or may hereafter be allowed by law in other cases.

The stockholders may, at any regular meeting, either increase or diminish the number of directors: *Provided*, that there never shall be more than thirteen nor less than five.

SEC. 16. In case of insolvency or insufficiency of the effects of the company to pay the debts against the same, the stockholders shall be liable in equity out of their own individual estates in proportion to their respective stocks owned by them, or any of them at the time such liability may have accrued; and the benefits, rights, credits and effects, of the company had or possessed, by them or in their control at the time of the proceedings against them, or upon a return of nothing found on an execution of a judgment against the company, the judgment creditors in such case, may have *scire facias* or summons, on plaint filed against the stockholders, to answer the plaintiff the amount of the judgment out of the individual estates of the stockholders, in the same equitable proportion as aforesaid, and no misjoinder, nonjoinder or surjoinder of the defendants, in either case shall affect the proceedings, but the same may be amended on motion or suggestion, at any time before final judgment or decree.

SEC. 17. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER XLV.

AN ACT to incorporate the Laporte Canal and Rail Road Company.

(APPROVED, FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Clark, Jehial Wason, William Sutherland, Abram W. Harrison, James C. Howell, David B. Freeman, Robert Merryfield, John Brown, Abram P. Andrew, jr. Robert S. Morrison, Jeremiah Grover and William Hawkins of Laporte county and their successors in office duly elected as hereinafter directed, be, and are hereby constituted a body corporate and politic, and by the name and style of the Laporte Canal and Rail Road Company, shall be able and capable in law, to sue and be sued, implead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to change at pleasure; to make contracts and enforce the same; to make all and any by-laws necessary to enable them to carry the provisions of this act into effect, and the objects therein contemplated, not inconsistent with the constitution and laws of this State.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, and the privilege is hereby granted to the said corporation to increase the same, should any increase be necessary for the completion of the works herein contemplated, to the sum of two hundred thousand dollars, which said capital stock shall be divided into shares of twenty-five dollars each.

SEC. 3. The directors herein named, shall meet on the third Monday in March next, at the borough of Laporte and shall then and there appoint a president and secretary out of their own body, and organize said corporation, and for this purpose a majority of said directors shall be necessary to form a quorum.

SEC. 4. The said directors shall as soon as convenient after such organization, cause books to be opened at as many, and such places and times as to them may seem proper, giving two weeks public notice thereof, for the subscription to the capital stock aforesaid, and each person subscribing, shall pay at the time of subscription, the sum of five dollars upon each share subscribed for. And it shall be lawful for all persons of lawful age, for any body corporate, for any State, or the United States, by their agent to subscribe for any amount of the capital stock, and such subscription when so made, shall be binding and obligatory upon the subscriber, and shall be recovered of him in any court of competent jurisdiction by action of debt or otherwise.

SEC. 5. As soon as two hundred shares are subscribed for, and five dollars paid on each share, the directors shall appoint a time and place for the holding an election for seven directors for said company, who shall be stockholders therein, and said election shall be held with-

in three months from the time the last of said two thousand [hundred] shares was subscribed, and shall be advertised in the public newspaper nearest to said place, at least two weeks previous to the time appointed for holding the same. Which election shall be conducted by two judges to be appointed by the stockholders then present, and the persons having a majority of all the votes given shall be duly elected, and in all elections each share shall entitle its owner to one vote, which may be given in person or by proxy.

SEC. 6. The said seven directors so as aforesaid elected shall choose from among their own body a president, and said president and directors shall hold their offices for one year or until others are legally elected.

SEC. 7. Elections of directors shall be held annually, and four weeks notice by publication in the nearest newspaper of the time and place of said annual elections shall be given by the directors for the time being.

SEC. 8. The said seven directors shall proceed to obtain subscription for any capital stock not before subscribed for, in the manner to them seeming most proper; they shall receive from the directors appointed in this act all money, books and other matters belonging to the corporation, and shall appoint a secretary, treasurer, and all and every other officer or officers, artists, mechanics, and servants necessary to complete the objects of the company, and shall pay to each, such wages or salary as they may agree upon. They shall have power to call upon the stockholders for any part or all of their subscriptions, and if after sixty days [notice] in some printed newspaper nearest to the place where the greatest amount of stock is held, or after thirty days personal notice, of the amount demanded, any stockholder shall neglect or refuse to pay the same, said directors may declare said stock forfeited to the corporation, and thereafter said stockholder shall lose all right therein and thereto, and the same shall belong absolutely to said corporation.

SEC. 9. Said company shall have full power and authority to examine, survey, mark, and locate a route, and thereupon to construct a rail-way with a single or double track, with the necessary turnouts or sidings, and depots commencing at or near the town of Laporte in Laporte county, and from thence to Lake Michigan, at any point to them most convenient and proper, and to survey, locate, and dig or excavate a canal, and to build the necessary locks, sluices, dams, bridges, tow-paths, basins, piers, landings, and all other buildings, and constructions necessary for the use, and convenience, or for the perfect completion, and operation after completion of said canal for the conveyance of goods, wares, merchandize, produce, tonage and passengers in boats of any kind in and along the same from the town of Laporte aforesaid, to the Lake Michigan aforesaid at any point most convenient and proper in the opinion of said company. And to have, hold, own possess and enjoy in fee simple or otherwise all and any land, tenements or hereditaments which may be necessary for the con-

struction of said canal and rail way or for the full and perfect use of said canal or railway after the same or either of them shall be completed, and the same to purchase and sell at pleasure; and also to take, draw and use any water or waters of and from any of the streams or lakes near to said route for the purpose of feeding said canal; and the necessary canal or canals, trench or trenches, to cut dig and excavate from said streams or lakes, to the canal route aforesaid, for the conducting of said feeders thereto, not injuring private property, without paying or offering to pay to the person injured, the amount of damage sustained, to be ascertained as hereinafter provided.

SEC. 10. It shall be lawful for the said corporation, or their agents to enter upon any land to make surveys, locations or estimates, and to take any earth, stone, gravel, sand, timber or other materials for the construction of said canal or railway, paying to the owner thereof, a full compensation therefor.

SEC. 11. In all cases when the said corporation cannot agree with any person damaged in any manner by the construction of said canal and railway, upon the amount of damage due, or to be paid to said person, the directors of said company, or the individual so injured may at any time thereafter, within one year and no longer, apply by petition to the circuit court of the county in which said damage is alledged to be done, setting forth the circumstances, and the said court shall thereupon appoint twelve disinterested freeholders of said county, who shall, after taking an oath or affirmation, faithfully and impartially to perform their duty according to law, view the premises upon which said damage is alledged to be done, and assess the amount thereof, if any, and make report thereof, to the next circuit court of said county: (Provided, That said jurors shall always in assessing said damages take into consideration, the advantages, as well as disadvantages of said canal or railway to said petitioner,) whereupon said court shall cause a judgment to be entered therein, according to the report of said jury, either party having the right to show good cause why said judgment should not be so entered, and when such cause is shown, the court shall be authorized to grant a review of said proceedings, by appointing twelve other freeholders, who shall proceed in all respects as above directed, whose report shall be final and conclusive upon the parties.

SEC. 12. Said corporation shall have the right to locate said canal or railway, on or upon any public road or highway, first making another good and sufficient public road as near as possible to the location of the road so taken up and occupied, and paying all damages occasioned by said change. And when said canal or railway shall cross any public or private road, or where the same shall cross any persons farm and thereby make a bridge or crossing necessary, said corporation shall build or construct a good and sufficient crossing or bridge for said road, or farms, at their own expense, and for failure so to do shall be liable to the party injured for all damages oc-

casioned by such failure: *Provided*, that they shall not be required to construct more than one bridge or crossing, for any one farm, or upon any adjoining land owned by one person.

SEC. 13. Said corporation shall have full power and authority, to prescribe the kind of boats to be used on said canal, and the kind of carriages or cars to be used on said railway and the power by which they shall be propelled, and to fix the amount of tolls to be charged on the same: *Provided*, that the rates established from time to time shall be posted in some conspicuous places on said road or canal.

SEC. 14. Any person who shall wilfully or negligently injure, or obstruct said canal or railway or any thing appertenant thereto, shall pay three times the amount of damage sustained by reason of said injury, to be recovered by action of debt or otherwise.

SEC. 15. The directors of said company shall issue certificates of stock to the stockholders, signed by the president and secretary, and no stock shall be transferable except on the book of the corporation, or in such other manner as the directors shall particularly appoint. They shall also from time, to time as the circumstaunes of the corporation admit, make such dividends as they see proper, and annually at the election of directors cause a full statement of the concerns of the corporation to be laid before the stockholders. The said directors, (except the president,) shall receive no pay for their services, unless by a meeting of the stockholders a majority shall decide otherwise, when the stockholders so deciding shall fix the amount, and the salary of the president shall be fixed by the board of directors.

SEC. 16. The work, stock, and other property of said corporation, together with the property of said canal and rail road shall be liable for the debts thereof; and each stockholder shall be liable, in his individual capacity, to the full amount of his stock, but no further, for all contracts, debts and liabilities made and entered into by said corporation, at any time, during which any such person may have held stock in said corporation; which said liability may be enforced by an action of debt in favor of any creditor thereof, against such stockholder, so liable as aforesaid, or by bill on equity, in behalf of one or more of the creditors of said corporation, against one or more of such stockholders: *Provided*, that all the property of said corporation shall be first exhausted, before the private property of the individual stockholder shall be liable: and provided also, that said corporation shall at no one time, be indebted, to an amount exceeding the stock sold and held in said company. In case of excess the directors under whose administration, the same may happen, and by whose order or vote, the same may have been created, shall be liable therefor, in their individual capacity; but nothing in this section, shall be so construed, as to exempt said corporation, or the stockholders thereof, in manner aforesaid, from being also liable for said excess.

SEC. 17. Any number of stockholders, owning one third of the stock, may call meetings of the stockholders, by giving three weeks public notice thereof, and a majority of the stockholders in any such meeting, may control the concerns of the company, in any way they see proper.

SEC. 18. The state shall have the right in time of war to transport troops, munitions of war and provisions free of toll on said road or canal.

SEC. 19. Said canal or rail way, shall be commenced within five years from the passage of this act, and be completed in seven years thereafter, otherwise this charter shall be void.

SEC. 20. Nothing in this act contained shall be so construed as to prevent the state from constructing another rail road or rail roads, canal or canals between any of the points through which the rail road or canal contemplated in this act may run, whenever the necessities of the country may require such additional canal or railroad.

SEC. 21. This act to take effect and be in force from and after its passage.

CHAPTER XLVI.

AN ACT to incorporate the Madison Savings Institution.

(APPROVED JANUARY 20, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That C. P. Arion, J. F. D. Lanier, Howard Watts, John Sering and William Hendricks jr. and their successors in office duly appointed or elected as hereinbefore directed be and the same are hereby created and made a corporation and body politic for the term of twenty years from and after the first day of May next, who shall by the name and style of "the Madison Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided: and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to give three weeks notice, of the time and place of opening books for subscription, in a newspaper published in the town of Madison; and it shall be the duty of the persons or corporation to

casioned by such failure: *Provided*, that they shall not be required to construct more than one bridge or crossing, for any one farm, or upon any adjoining land owned by one person.

SEC. 13. Said corporation shall have full power and authority, to prescribe the kind of boats to be used on said canal, and the kind of carriages or cars to be used on said railway and the power by which they shall be propelled, and to fix the amount of tolls to be charged on the same: *Provided*, that the rates established from time to time shall be posted in some conspicuous places on said road or canal.

SEC. 14. Any person who shall wilfully or negligently injure, or obstruct said canal or railway or any thing appertenant thereto, shall pay three times the amount of damage sustained by reason of said injury, to be recovered by action of debt or otherwise.

SEC. 15. The directors of said company shall issue certificates of stock to the stockholders, signed by the president and secretary, and no stock shall be transferable except on the book of the corporation, or in such other manner as the directors shall particularly appoint. They shall also from time, to time as the circumstaunes of the corporation admit, make such dividends as they see proper, and annually at the election of directors cause a full statement of the concerns of the corporation to be laid before the stockholders. The said directors, (except the president,) shall receive no pay for their services, unless by a meeting of the stockholders a majority shall decide otherwise, when the stockholders so deciding shall fix the amount, and the salary of the president shall be fixed by the board of directors.

SEC. 16. The work, stock, and other property of said corporation, together with the property of said canal and rail road shall be liable for the debts thereof; and each stockholder shall be liable, in his individual capacity, to the full amount of his stock, but no further, for all contracts, debts and liabilities made and entered into by said corporation, at any time during which any such person may have held stock in said corporation; which said liability may be enforced by an action of debt in favor of any creditor thereof, against such stockholder, so liable as aforesaid, or by bill on equity, in behalf of one or more of the creditors of said corporation, against one or more of such stockholders: *Provided*, that all the property of said corporation shall be first exhausted, before the private property of the individual stockholder shall be liable: and provided also, that said corporation shall at no one time, be indebted, to an amount exceeding the stock sold and held in said company. In case of excess the directors under whose administration, the same may happen, and by whose order or vote, the same may have been created, shall be liable therefor, in their individual capacity; but nothing in this section, shall be so construed, as to exempt said corporation, or the stockholders thereof, in manner aforesaid, from being also liable for said excess.

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SEC. 20. Nothing in this act contained shall be so construed as to prevent the state from constructing another rail road or rail roads, canal or canals between any of the points through which the rail road or canal contemplated in this act may run, whenever the necessities of the country may require such additional canal or railroad.

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SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to give three weeks notice, of the time and place of opening books for subscription, in a newspaper published in the town of Madison; and it shall be the duty of the persons or corporation to

king stock to pay, at the time of subscribing, for the same one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meeting, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promoting of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Madison Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by said company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compensations, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such restrictions, regulations, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of three stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom

shall hold their offices one year from their general or annual elections, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being shall order and direct, and the majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be recorded [rescinded] by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State, and the by-laws of the company,) as they may deem necessary for the good government of the company in which they shall prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed and taken, and a board of directors organized the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by a writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds, or other property in any public

stocks or funded debts, or in the stock of any chartered bank or banks in this or any other State, and the same to sell or transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security, for such periods of time and under such restrictions and limitations as the directors thereof for the time being shall deem prudent and for the best interest of the company: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged or deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and make insurance on life or lives; and take all kind of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper or writing, which may be construed or made to answer the usual purposes for which the notes of the state bank, or its

branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly, any money or bank notes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note, or draft unless the same be presented at its counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of *'no property found'* or not a sufficiency of property to satisfy such execution, then and in that case the individual property of each of the corporators who were stockholders at the time the debt, demand or liability accrued, shall be liable for said debt but no execution shall issue against any stockholder in their individual character until a *scire facias* shall be issued against and served on them to appear and shew cause if any they can, why execution shall not go against them, and upon such trial the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand, or liability, or that the corporation was not liable for said debt, or any other legal cause of defence.

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act shall take effect and be in force from and after its passage.

CHAPTER XLVII.

AN ACT to incorporate the Hanover Steam Mill Company.

(APPROVED FEBRUARY 5, 1836.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Williamson Dunn, John Shannon, George Briggs, Alexander Campbell, James Pogue, and Brown and Weed, and their associates, successors and assigns be, and they are hereby enacted a body corporate and politic for the term of fifty years, who shall by the name and style of "the Hanover Steam Mill Company," be able and capable in law and equity, to sue and be sued, plead and be impleaded and defend and be defended in any court of law or equity, in this State; they may make and use a common seal and the same abolish and change at pleasure, or they may transact their business by an

agent or agents, whose signature without a common seal shall be binding on the company in all legal contracts entered into by them.

SEC. 2. That in all judgments that may be entered against said company, in any court whatever, execution shall first be issued against and levied on the joint property of the company and in all cases where there is not property belonging to said company jointly, sufficiently to satisfy such execution, that it shall be lawful to levy said execution on the individual property of any of the individuals who are interested as a stockholder in said company at the time of such contract or judgment, and that in all cases the individual property of the stockholders in said company shall be helden responsible for all debts against said company. This act to take effect from and after its passage.

CHAPTER XLVIII.

AN ACT to amend an act, entitled, "an act to incorporate the St. Joseph Iron Company."

(APPROVED, FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the corporation now known by the title of the President, Directors and Company of the St. Joseph Iron Works, be and they are hereby authorized to change the above title to that of the St. Joseph Iron Company.

SEC. 2. The sixth section of the act incorporating the above named company, is hereby so amended, as to read after the word, "Provided," as it first occurs in said section as follows, viz: "Provided, that said dam be furnished with one good and substantial *schute* or *inclined plane*, on its lower side, not less than thirty feet in width, so as not to impede the downward passage of rafts nor the passage of fish.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLIX.

AN ACT to amend an act, entitled, "an act to incorporate the Harrison and Indianapolis Turnpike Company," approved, February 2, 1833.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time allowed to the Harrison and Indianapolis Turnpike

Company, to commence and complete the contemplated road named in their charter or any section thereof, be and the same is hereby extended two years, in addition to the time named in their charter.

SEC. 2. It shall be lawful for said company to open books of subscription for stock for the construction of the first and second sections of said road. The second section of said road shall be first constructed, any thing in the twelfth section of the act to which this is an amendment to the contrary notwithstanding.

SEC. 3. It shall be lawful for said company to erect gates and collect tolls on the second section, in the same manner and under the same restrictions that they are authorized to do, on the first section of said road by their charter.

SEC. 4. This act so soon as accepted by the board of directors, and a notice of such acceptance filed in the office of the Secretary of State, shall be deemed and taken to be a part of said corporation.

CHAPTER L.

AN ACT to incorporate the Perrysville and Danville Rail Road Company.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Blair, Asaph Hill, Austin Bishop, Simon Turman, Thomas Anderson, Milo Gookins, and Hiram Barnes, of Vermillion county, and their successors in office, duly elected as hereinafter directed, be and they are hereby appointed a body politic and corporate, by the name and style of the "the President and Directors of the Perrysville and Danville Rail Road Company," and shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatever; to make and use a common seal, and the same to alter, change and renew at pleasure; and shall be able and capable in law to make contracts and the same to enforce, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each.

SEC. 3. The directors named in this act, or a majority of them, may meet at such time and place, as they may agree on, and organize said corporation by electing one of their body to be president, and after such organization any three of the board shall be a

quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and persons necessary to carry into effect the objects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, [or] on the call of the president; when the president is absent, they may appoint a president *pro tempore*: they shall fill all vacancies that may happen in their board.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such place or places, as they may choose, due notice of which shall be given; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of one hundred dollars, for each share of stock set opposite our names, in such manner and proportions and at such time or times, as the president and directors of the Perryville and Danville rail road company may direct. Witness our hands, this day of 183 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, [or] of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open for any such space of time, and at any such place or places, as the corporation shall choose, and may be re-opened, at any time; and they may, by an agent, offer for sale in any other State, any amount of stock, on such terms and conditions as may be thought advisable; and shall have power on their own credit, to borrow money on such terms as may be agreed on by the parties. The corporation may require such sum of money to be paid, at the time of subscribing, not exceeding five dollars on each share as they may think proper; but such requisition shall be made known by being inserted in the notice for opening the books, and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as one hundred shares are subscribed and ten dollars are paid on each share, it shall be the duty of the corporation to give four weeks notice thereof, in two of the newspapers printed in the vicinity of the contemplated route, and in such notice, to appoint a time and place for the stockholders to meet, and elect twelve directors, who shall be stockholders and citizens of the State; which election shall be held within three months after the last share in the one hundred shares, shall be subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having a plurality of the votes

given and counted in public, shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, one share shall entitle the holder to one vote; and votes may be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president; the president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and organized.

SEC. 9. All elections after the first shall be held on the first Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day, to be designated by the directors.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty-five percent. of the amount of stock every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in at least two weekly newspapers, printed in the immediate vicinity of the contemplated rail road, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited

to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends on his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 12. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalty or penalties as they may think proper, for the faithful performance of their respective duties.

SEC. 13. The corporation by their agents shall have full power from time to time, to examine, survey, mark, and locate the route of said rail road, for a single or double track, commencing at the town of Perysville in the county of Vermillion, Indiana, and running on the best ground for the interest of the company and convenience of the public, to the State line in the direction of the town of Danville, in the State of Illinois, with full power in all cases, to diverge from a direct line, when more favorable ground can be had for the construction of said road, the same not to exceed eighty feet in width.

SEC. 14. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials necessary for the construction of said road, shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 15. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction or location of the road, as also the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, signed by the party making the same.

SEC. 16. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when

a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties may occur, that such facts do exist; and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint twelve disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the circuit court shall be final.

SEC. 17. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county in which such land is situated such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 18. That if it should be found necessary and advantageous to the location and construction of said road, the corporation shall have the right to lay the same along and upon any state or county road: *Provided however*, that before such location shall be made, the corporation shall make application to the county commissioners of the proper county, for such right; and the said commissioners are hereby vested with power to grant the same, by an order entered on their records: *And provided also*, That such right shall be granted, on condition that the corporation shall leave a sufficiency of said state or county road, in as good repair for common use, as it was previous to such occupation.

SEC. 19. That when said corporation shall have procured said right of way, as herein before provided, they shall be seized in fee simple of the right to said land, and shall have the sole use and occupancy of the same; and no person, body corporate or politic, shall in

any way interfere therewith, molest, disturb, or injure any of the rights and privileges hereby granted, or that would be calculated to detract from, or affect the profits of said corporation.

SEC. 20. The corporation shall commence the construction of said road, any time within five years, and from time to time, construct so much as may be within the ability, and to the interest of the company, and shall complete it within fifteen years from its commencement: *Provided*, That if the road should not be completed within the time aforesaid, the General Assembly may, for good cause shown, give further time to complete the same: *Provided also*, That if any part of said road shall be completed within the time aforesaid, that then and in that case, all the rights, privileges, and benefits granted to said company in this act, shall be extended to, and invested in said corporation, to such part of said road as shall then be completed.

SEC. 21. It shall be the duty of said corporation, whenever any state or county road now established, shall cross, or may hereafter cross the rail road, to make and keep in repair, good and sufficient causeways, so that the free use of said state or county road shall not be obstructed; and in all cases, where any person shall own lands on both sides of said rail road, and there shall not be any causeway for a public road, leading from one tract to the other, the owner of said land shall have the right, free of any charge, to cross the same, and to make such causeways as may be necessary for the convenience of said owner: *Provided*, that said owner of land shall not injure or obstruct said rail road.

SEC. 22. It shall be lawful for said corporation to place on, or prescribe the kind of carriages that may be used on said road, whether propelled by steam or other power, for the transportation of passengers, for all kinds of produce, lumber, goods, wares, and merchandize, or any other kind of property; and for this purpose the corporation may construct said road, with such locks, turns, gates, bridges, aqueducts, culverts, toll and warehouses, as may be considered necessary for the interest of the company, and the convenience of the public; and the corporation may charge tolls and freights on such part of the road, as may be in a sufficient state of forwardness although the whole be not finished, and they may charge for travel and transportation on the same, when it is graded and bridged, although the rails may not be so far laid, as to admit carriages thereon.

SEC. 23. The corporation may charge and receive such tolls and freights for the transportation of persons, commodities, and carriages, on said road, or any part thereof, as shall be for the interest of the company, and the same to change, lower or raise at pleasure: *Provided*, that the rates established from time to time, shall be posted up in some conspicuous place or places on said road.

SEC. 24. That when the aggregate amount of dividends declared shall amount to the full sum invested, and six per cent. per annum

thereon, the Legislature may so regulate the tolls and freights, that not more than fifteen per cent. per annum shall be divided on the capital employed, and the surplus profits, if any, after paying the expenses and reserving such proportion as may be necessary for future contingencies, shall be paid over to the Treasurer of State for the use of common schools; but the corporation shall not be compelled by any law to reduce the tolls and freights, so that a dividend of fifteen per cent. cannot be made. And it shall be the duty of the corporation to furnish the Legislature, if required, with a correct statement of the amount of expenditure, and of the amount of profits, after deducting all expenses; which statement shall be made under the oath of the officers, whose duty it shall be to make the same.

SEC. 25. Semi-annual dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the stockholders, as soon thereafter as can with convenience; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the directors may reserve such proportions of the profits as a contingent fund to meet subsequent expenses, as they shall deem proper.

SEC. 26. That if any person or persons shall wilfully and knowingly injure or obstruct said road, or any part thereof, or shall break, destroy, or deface any work, edifice, device, toll or warehouse belonging thereto, such person or persons so offending, shall pay to the corporation, five times the amount of damages actually done, with costs of suit, to be recovered by the corporation, before any court having competent jurisdiction: *Provided*, That all actions commenced by the corporation, for the recovery of damages, shall be commenced within six months from the time such cause of action accrued, and not after.

SEC. 27. That the State reserves the right, to subscribe for two hundred shares of the stock within five years from the commencement of the work.

SEC. 28. It shall be lawful for the county commissioners, of each and every county, through which said road may pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 29. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders, at least once in each year.

SEC. 30. Any number of stockholders, owning one third of the stock, may call a general meeting of the stockholders, by giving four weeks notice in one or more newspapers, and specifying in said notice the object of the call; and a majority of the stockholders being represented, they may make such order relative to the concerns of the company, as a majority may determine on.

SEC. 31. The corporation may by contract, admit the intersection of said road, with any other rail, turnpike, or other collateral road.

SEC. 32. The State of Indiana, in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 33. Should the capital herein granted, not be sufficient to accomplish the intended work, the corporation may increase the same, and the stockholders may at any general meeting, reduce the number of directors to any number not less than five.

SEC. 34. That when the road is located, it shall be the duty of the corporation, to cause a plat of the same to be deposited in the office of the Secretary of State; and from and after that time, it shall not be lawful for said corporation to alter or change any part of said location, unless said corporation pay the owner or owners of land on said changed route, the amount of damages they may sustain by such re-location.

SEC. 35. That if said road after its completion, shall be suffered to go into decay, or be impossible for one year, unless when the same is undergoing repairs, then and in that case this charter shall be taken and considered as forfeited, to all intents and purposes.

SEC. 36. The corporation shall in no case, directly or indirectly, engage in any kind of trade, or deal in merchandize, other than such as may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation, under any pretence whatever, enter into banking business, for the purpose of receiving deposits, making discounts, or issuing bills of credit, or bills or receipts of any description, to pass as a circulating medium.

SEC. 37. This charter is limited to seventy-five years in duration.

SEC. 38. The corporation shall cause to be kept a fair record of the whole expense of making and repairing said rail road, and every section thereof, with all incidental expenses; and also a fair account of the tolls received; and the State shall have the right to purchase the stock of said company, at any time after fifty years, by paying to said corporation a sum of money, which, together with the tolls received, shall equal the cost and expense of said rail road, as aforesaid, with an interest of fifteen per cent. per annum; and the books of said corporation shall always be open for the inspection of any agent of the State, appointed for that purpose by the Legislature; and if said corporation shall neglect or refuse to exhibit at any time their books and accounts agreeably to this section, when thereto required, then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 39. The rail road company erected, [created] by this act, shall have the right to commence the construction of said road at Perrysville or at any intermediate point on the route.

SEC. 40. This act to be in force from and after its passage.

CHAPTER LI.

AN ACT to incorporate the Franklin, Fayette and Rush Turnpike Company.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That George K. Cooke, Wiley J. Daniels and James M. Conner of the county of Fayette, F. S. Conwell, George G. Shoup and Thomas Heddick of the county of Franklin, and John Gregg, Peter Loonz, James H. Ross of the county of Rush, John Milroy, Elijah Irvin and George Zagn of Hancock county, and their successors in office, are hereby constituted a body politic and corporate, and by the name and style of "the President and Directors of the Franklin, Fayette and Rush Turnpike Company," shall be able in law and equity to sue and be sued, plead and be impleaded in any and all courts of justice whatever, and shall be able to make and enforce contracts, and to make and enforce the necessary by-laws rules and regulations to enable them to carry into effect the provisions of this act.

SEC. 2. The capital stock of said company shall be four hundred thousand dollars, to be divided into shares of twenty-five dollars each.

SEC. 3. The said Company, shall have full power to construct a turnpike road from near Somerset in Franklin county via Danville in Fayette county, to Rushville in Rush county, thence to Greenfield in Hancock county, and for the purpose of constructing said road, shall have all the rights, powers and privileges given to the Wayne and Union turnpike company by an act, entitled, "an act to incorporate the Wayne and Union Turnpike Company, and the Brownsville and Centreville Turnpike Company," approved, February 7, 1835, and shall be governed by the provisions of said act, in all things whatsoever.

SEC. 4. The said company shall open books and receive subscriptions for stock, for the construction of said road, at such time as they may deem expedient.

This act to be in force from and after its passage, and to continue in force for the term of fifty years.

CHAPTER LII.

AN ACT to incorporate the Rockville Steam Mill Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of building and managing a Steam Saw and

Grist Mill at the town of Rockville, Parke county, Indiana, and for transacting all business incident thereto, Cornelius Outland, Jeremiah Siler, Alexander Elder, Daniel Brewin, Hugh J. Bradley, John Sunderland, James M'Campbell, Tyler S. Baldwin and Walter C. Donaldson, and their associates, be, and they are hereby constituted a body politic and corporate by the name and style of "the Rockville Steam Mill Company" and in such corporate name and capacity may sue and be sued, plead and be impleaded, in any of the courts of law and equity in this state.

SEC. 2. The process against said corporation shall be by summons which being executed on any director or president thereof, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may change and alter the same at pleasure and shall be capable of purchasing, holding, using and conveying any estate real or personal, necessary for the use of said corporation.

SEC. 4. The capital stock of said incorporation shall be twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; but it shall be lawful for said corporation to commence business when and so soon as four thousand dollars have been subscribed for, and with that capital to commence, conduct, and carry on the same, until they shall find it expedient to enlarge their capital stock which they are authorized to do from time to time, to the amount herein before mentioned.

SEC. 5. The books for the purpose of procuring subscription to said stock shall be opened by John Sunderland, James M'Campbell, Tyler S. Baldwin, Hugh J. Bradley, and W. C. Donaldson, or any three of them, at Rockville, and at such other places as to them or any three of them shall seem fit; and they are hereby appointed commissioners to receive subscriptions to said stock on such days and times as they shall appoint after the passage of this act; and the sum of ten dollars, at least, shall be paid on each share, previous to the election of directors.

SEC. 6. So soon as the sum of four thousand dollars has been subscribed, the commissioners appointed to receive the same, having fixed the amount of the first instalment, shall appoint a day and place at which the stockholders shall meet and pay the said instalment on their respective shares, and elect directors, of which they shall give notice by advertisement in the "Rockville Intelligencer," or by fixing notices on the court house door, previous to the time of such meeting at least ten days.

SEC. 7. The stock, property and concerns of said corporation shall be managed by seven directors, to be annually chosen by the stockholders, on the first Monday in June of each year, who shall be stockholders and residents of Parke county, and shall hold their offices for the term of one year, and until their successors are elected, of whom four shall be a quorum for doing business: *Provided however,* That those first elected shall hold their office from the time of their

first election until the first Monday of June 1837, and until their successors are elected; and no failure to elect officers shall dissolve the corporation; but the acting directors shall continue in office until the next annual election.

SEC. 8. All elections shall be by ballot, and each share shall count one vote, and may be given by proxy.

SEC. 9. The first election herein contemplated shall be held under the direction of the commissioners, and all subsequent ones under the direction of the directors.

SEC. 10. The directors chosen under this act, as soon as may be after their election, shall proceed to elect one of their body, president, and if any vacancy afterwards happens as to president or directors the residue of their body shall appoint from the stockholders, suitable persons to fill such vacancies for the remainder of the term for which such directors were elected.

SEC. 11. The board of directors or a quorum thereof, shall have power to form such by-laws and ordinances as shall, from time to time seem to them to be needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; and to do all other things, necessary to the promotion of the objects of said institution, as shall be consistent with the laws of the United States and of the State of Indiana.

SEC. 12. The stock of said corporation shall be assignable and transferable, according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided*, That no transfer of stock shall be valid or effectual until registered in a book to be kept for that purpose by the president; which book, as well as all others kept by the corporation, shall, at all times suitable for transacting business, be open to the inspection of any stockholder, or person having any demand against the corporation or any member of it; and in case any officer or member of the said corporation, or any other person entrusted with the charge of such books, shall refuse to let any person interested in said books, examine the same, on reasonable demand, such officer or person shall be subject to a fine of fifty dollars for every such offence, to be recovered by indictment in the Parke circuit court; which fine shall be applied to the use of the county seminary for said county.

SEC. 13. The directors shall, at all times, keep or cause to be kept at some proper place, books of accounts, in which shall be entered all the transactions of said corporation.

SEC. 14. That said stockholders shall each be held responsible to all creditors in his individual capacity to an amount equal to all the stock by him subscribed, on failure of said corporation to discharge its debts and legal liabilities: *Provided however,* That no individual property shall be applied to the payment of demands against said corporation until the entire property, stock, and money of said corporation shall have been applied: *And provided also,* That the directory of said corporation, at any time, create a debt exceeding

the amount of stock subscribed, their individual property shall be first applied, after the application of the funds of the corporation, to the payment of such debt.

SEC. 15. The commissioners herein appointed may collect by action of debt, the first instalment on all shares subscribed: *Provided*, they be not paid as hereinbefore provided; and the directory shall have the same remedy for the collection of all subscriptions of stock that shall not be paid previous to their election, on failure of the stockholders to pay their respective share, as they may be called on by the directory; and in either case, such delinquent stockholder shall be liable to pay, to said commissioners or directory, twenty-five per centum damages on the amount due.

SEC. 16. This charter shall not be so construed as to bind said corporation to build both a steam saw and grist mill, but they shall be left at liberty to build the one or the other or both, as they shall think fit; and they may select any site for said mill within one half mile of the town.

SEC. 17. For the recovery of all demands due said incorporation, their proper remedy shall be by action of debt; and they shall in all cases be subject to the action of debt, at the suit of any person to whom the said incorporation may be indebted.

SEC. 18. The directory of said incorporation shall annually declare a dividend to all stockholders in said corporate fund, and at such other times as the directory may think advisable; and, at each annual election shall lay before the stockholder their books, showing a full and fair exposition of all the transactions of the previous year.

SEC. 19. This charter shall be limited to fifty years.

SEC. 20. This act shall take effect and be in force from and after its passage.

CHAPTER LIII.

AN ACT to incorporate the Rome Savings Institution.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William B. Lamb, Samuel Conner, Kenneth M. Dewees, Presly Hall, Mark Hardin, Barney Royston, and Lewis Taylor and their successors in office, duly appointed, or elected, as hereinafter directed, be, and the same are hereby made a corporation and body politic for the term of twenty years, who shall by the name and style of "the Rome Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and

be answered unto, and defend and be defended in any court of law or equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatsoever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars and may be increased to any sum not exceeding one hundred thousand dollars, at any time, at the discretion of the directors, to be divided into shares of fifty dollars each, and to be subscribed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in some newspaper published in this state; and it shall be the duty of the persons or corporation taking stock to pay, at the time of subscription, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meeting, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the [Rome] Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting after any annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation; and shall hold his office until the next annual election, and until his successor be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors may be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compensa-

tion, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such restrictions, regulations, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the [three] stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed and elect their directors, it shall be lawful for them to meet on some other day under the provisions of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual elections, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being shall order and direct, and a majority of the whole number of directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the whole number of directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they may prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as two hundred shares are subscribed and taken, and the board of directors organized the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation,

either in person or by writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. It shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stock of any chartered bank or banks in this or any other State, and the same to sell or transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on personal or real security: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged or deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold any real estate an unreasonable time, but shall sell all that may be taken as above as soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and to make insurance on life or lives; and to take all kinds

of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper or writing, which can be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence of discounting or engaging to discount any note or draft unless the same be presented at its counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of *no property found or not a sufficiency of property to satisfy such execution, and not until then another execution may issue, and be levied on the goods and chattels, lands and tenements, of each or any stockholder, or stockholders of said corporation to the amount of stock he or they hold therein, and no further, and of each or any stockholder or stockholders, who were such at the time the debt, demand or liability, on which such execution issues, first accrued against said corporation.*

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act to take effect from and after its passage.

CHAPTER LIV.

AN ACT to incorporate the New Albany Ferry Company.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Patrick Shields, Prindowell M. Dorsey, John S. Doughten, Isaac Stewart, and William Plummer, with their associates are hereby created and constituted a body politic and corporate, by the name and style of "The New Albany Ferry Company," and by such name may purchase, receive, enjoy, hold and transfer any property, real and personal, which may be necessary for the management and carrying on of their business, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of judicature, whatever: *Provided*, That nothing herein contained shall be so construed, as to interfere in any way with the right of this State hereafter to run a bridge over the Ohio river, or with the right or rights of any ferry or ferries heretofore established.

SEC. 2. That the stock of said company shall be ten thousand dollars, to be divided into shares of five dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereinafter provided for.

SEC. 3. That the officers of said company shall consist of an executive committee of five stockholders to be elected annually as hereinafter prescribed; whose duty it shall be to superintend the general business of said company; to procure the necessary boat or boats, craft or crafts, or other materials for the convenience of said ferry, and also to secure by leave [lease] or otherwise, the necessary land and wharves for landing their said boat or boats, or for the erection and continuation of a ferry house, on such terms as they, the said executive committee, shall or may agree upon. It shall also be the duty of the said executive committee to appoint a clerk and treasurer for said company, and to require of them bond or bonds, with security to their satisfaction; and it shall be the duty of said committee also, to define and prescribe the duties of the said clerk and treasurer, and to make and ordain such by-laws and regulations as to them may seem proper, not inconsistent with the laws of this State.

SEC. 4. It shall be the duty of said company as soon as the sum of two thousand dollars is subscribed and paid in, to proceed with all reasonable despatch, to procure the necessary boats and crafts for the transportation of passengers and goods, and all other commodities over and across the Ohio river, for which they, the said company, may charge, exact and receive such ferriage as may be allowed them to charge by the board doing county business for the county of Floyd.

SEC. 5. It shall be further the duty of said executive committee to elect one of their own body who shall preside over their delibera-

tions, and hold said station for the term of one year from the time of the election of said committee. As soon as they are ready for ferrying, it shall be their duty to make such fact known to the board doing county business for the county of Floyd; and it is hereby made the duty of the said board to establish and fix certain rates of ferrage to be charged by said company. The said committee shall cause the said rates to be posted up in some conspicuous place, in or about each one of their said boats, and shall never exceed the same, under penalty of five times the sum so overcharged, to be recovered by any person aggrieved, in his or their own name by action of debt before any court of competent jurisdiction.

SEC. 6. Said company shall keep said ferry supplied with boats during the day, and if any person or persons shall be detained on the Indiana side of said river Ohio, more than twenty minutes at any one time, by reason of the delay of the boats of said company, he, she or they shall be entitled to recover one dollar for every ten minutes, he, she or they may be so delayed, to be sued for and recovered as aforesaid: *Provided, however,* That nothing herein contained, shall bind said company to run their boats before sun rise or after sunset, or whilst the river is in a situation from ice, drift or other cause, to render its navigation dangerous; nor shall said company be subjected to damages for unavoidable delay in any case whatever.

SEC. 7. It shall be the duty of said company to keep a book in which shall be entered a record of all their proceedings, which book shall be subject to the inspection of any two stockholders at any time, when they may demand the same of the clerk of said company. Said company shall before the second Monday in August of each year, cause to be spread at large on said book, a true statement of the situation of said company, setting forth particularly the funds on hands, property on hands, capital paid in, same unpaid, expenses of the company &c. And to those stockholders who have fully paid up their stock subscribed for, there shall be paid by said company, such sum or sums of money as may be their just share of the profits of said company for the twelve months next preceding the first Monday in August.

SEC. 8. It shall be the duty of the persons named in the first section of this act or a majority of them, at such time and place as they may appoint to open books for the subscription of stock, and to make such calls thereon as to them may seem proper, and at all times thereafter to make calls upon said stock as the wants of said company may require it, and they are hereby constituted an executive committee for said company, until an election for such committee shall be held under the provisions of this act.

SEC. 9. There shall be an election held at the court house in the town of New Albany on the second Monday in August next, and on the same day each succeeding year, for five of said stockholders as an executive committee, at which election any justice of the peace of

said town shall act as inspector, and he shall call to his aid any two of the stockholders in said company to act as judges. Said justice shall have power to swear said judges, and such person or persons as he may select as clerk or clerks of said election. Said election, shall in all other respects be conducted as other township elections under the laws of this State. In such election each share shall entitle the holder or owner thereof to one vote. The five persons receiving the highest number of votes shall be declared elected, who shall hold their offices until their successors are elected. And elections may be held at any other time, but same place, on the call of said executive committee, public notice thereof, having been given for twenty days previously.

SEC. 10. The stock in said company shall be transferable by assignment; and should any subscriber fail to pay for the stock by him subscribed for according to the by-laws of said company such stock, with all payments thereon, shall be forfeited to said company.

SEC. 11. It shall not be necessary for said company to use a common seal, but all its acts shall be binding upon it, which are acknowledged by the proper signature of the president of the executive committee, and clerk of said company, or made with said company or its agent or agents duly authorized to act.

SEC. 12. On any judgment against said corporation, execution may, in default of corporation effects, be levied on the property of any one or more of the persons who may be stockholders, or who may have been stockholders of said corporation, at the time the liability accrued, on which said judgment was rendered.

SEC. 13. This act is hereby declared to be a public act, to take effect and be in force from and after its passage.

CHAPTER LV.

AN ACT to incorporate the Vernon Savings Institution.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Richard Stott, Joseph Cowill, Smith Vawter, Levi W. Todd, Thos. Story, Linsfield Branham, Sam'l Wagoner, Geo. W. Branham, and Ezra F. Pabody, be and the same are hereby created and made a body politic and corporate, by the name and style of the Vernon Savings Institution, with all and like privileges, benefits and immunities as are secured in the charter, granted to the Madison Savings Institution, by an act of the present general assembly, and subject to all the restrictions and limitations of the aforesaid Madison charter.

CHAPTER LVI.

AN ACT to incorporate the Fulton Company.

(APPROVED FEBRUARY 6, 1836.)

Whereas, it is considered that the institution of the Steam boat Company, hereby incorporated for the navigation of the Mississippi and other western streams, will not only tend to promote the commercial interest of this state but also, from the obligations imposed upon said company, of being their own insurers, and of paying the penalties herein prescribed in all cases of loss of life on board the boats of said company from the bursting of boilers and explosion of gunpowder, will have the effect of giving greater security to the shippers of goods and passengers therein; now therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be and is hereby established in the town of Jeffersonville, a steam boat company, and the stockholders of said company and their successors shall be and are hereby created a body politic and corporate, by the name and style of "the Fulton Company," and by that name, may sue and be sued, contract and be contracted with, plead and be impleaded, answer and be answered unto; to have twenty years succession; make by-laws and regulations, not being contrary to law, and exercise all the powers vested by law in private corporations.

SEC. 2. The capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each, and payable in such instalments, and transferable in such manner as shall be provided by the by-laws of said company; and that upon each and every such subscription, there shall be paid at the time of subscribing, ten dollars on every share so subscribed; and the residu thereof shall be paid in such instalments and at such time as may be required by the president and directors of said company: *Provided*, that at least ten days notice of such requisition shall have been given in a newspaper printed in the town of Jeffersonville or the nearest one to said town; and if any such subscriber shall fail or neglect to pay any instalments, thus required to be paid, for the period of ten days next after the same shall be due and payable, the stock on which it is demanded and the instalments paid thereon shall be forfeited to the company, and a new subscription shall be opened in such manner as the president and board of directors may direct, to make up such deficient shares.

SEC. 3. That the affairs of said company shall be administered by a president and six directors, each of whom shall be owner of at least twenty shares, to be annually elected at such time as may be fixed by the by-laws of said company; that vacancies occasioned by death or resignation, may be supplied until the ensuing general election, by election to be held in such manner as the president and

board of directors may direct, in all cases by stockholders, each share giving a right to one vote; and that the office of said company shall be kept in the town of Jeffersonville, Indiana. That said Company may also have agents and factors elsewhere, the extent of whose powers shall be determined by printed instructions, to be furnished to them by said company, and a copy whereof, said company shall cause to be put up in a conspicuous place in each of their boats, there to remain, and by the lawful acts of which said agents and factors, within the scope of their powers, said company shall be fully bound.

SEC. 4. That the said company is hereby invested with all powers necessary for the purchase, mortgage and sale, or for contracting for the construction and repairs of steam boats to be by said company employed in navigating the Mississippi and other western streams and for transporting goods and passengers for hire, and generally for the performance of such acts as may be necessary for the accomplishment of the purposes for which this company is instituted.

SEC. 5. That the duration of this charter is limited to twenty years; that if said company shall not have commenced their operations by the purchase or construction of steamboats and employing them in the navigation aforesaid within two years from the passage of this act, then this act shall be null and void.

SEC. 6. That James Keigwin, Athanasius Wathin, Henry Hurst, William Bowman, Charles Sleade, William French and John D. Shryer, be, and are hereby appointed commissioners, whose duty it shall be, to open books of subscription at some convenient and proper place in the town of Jeffersonville, Indiana, for the amount of stock of this company, after having advertised the same in a newspaper of said town, or the nearest one thereto, for the period of at least ten days, designating the time and place at which said books shall be opened, and that as soon as one thousand shares of the capital stock of said company shall be subscribed for, that then the stockholders aforesaid shall after one weeks notice, in manner aforesaid, given by said commissioners, proceed to elect by a plurality of votes, seven directors for the management of the affairs of said company, who shall choose from their own body a president; and the said directors shall remain in office for one year; and in like manner, every year thereafter the same number of directors shall be elected, who shall in like manner elect a president. Immediately after the said first election of directors, they shall take charge of said subscription books, and keep the same open for all such as may choose to subscribe for stock in said company, for the period of ten days, or until two hundred and fifty thousand dollars may have been subscribed, when said books may be closed, and re-opened at the pleasure of said president and directors giving notice as before.

SEC. 7. That it shall be the duty of the president and directors of the said corporation to exhibit annually to the stockholders, who

shall be convoked for that purpose, a full statement of the affairs of said corporation; and it shall be the duty of said president and directors, upon the requisition of any twenty or more stockholders owning together five hundred shares, to call a general meeting of the said stockholders of said company, and that at any such meeting of the stockholders, a majority of two thirds in value may remove from office, a president or director of said company and may appoint others in their stead, and that ten days notice shall be given of the time of calling such meeting, in a newspaper printed in the town of Jeffersonville, or the nearest one to said town, and that all elections which by this act ought to be held on a particular day, if not made on such day, may be made at any time within thirty days thereafter and the said president and directors shall hold their offices until said election shall have been made.

SEC. 8. That in each and every year from the corporation of said company they shall be bound to pay from their profits, if any may in such years respectively have been made, the sum of two thousand dollars, to the president and trustees of the town of Jeffersonville, Indiana, and furthermore that, if at any time on board of any steam-boat owned by said company a loss of life or lives shall occur by the explosion or bursting of a boiler or flue, or gunpowder, within the boundaries of this state, that then and in every such case, the said company shall pay to the president and trustees of the town of Jeffersonville, two thousand dollars to be by them paid over to the heirs of the deceased person or persons, ratably and proportionably: *Provided*, such heirs shall duly apply for such payment within the term of one year from the date of such event, whereby such loss of life or lives shall occur, and if no application be so made within such period, then and in such case, the penalty so forfeited shall be appropriated by said president and trustees of the town of Jeffersonville for the use of said town. And the said several contributions from profits or penalties, if not duly paid within one month after the same respectively shall have been amicably demanded, may be recovered from said company by due process of law, with six per cent. interest thereon, from the period of such amicable demand, by action of debt or assumpsit in the name of the president and trustees of the town of Jeffersonville, Indiana, or by bill in equity.

SEC. 9. That said company shall not be allowed to effect insurance upon any of their steamboats, their tackle, apparel and furniture, but shall stand their own insurers thereupon, and shall not permit any unlawful gambling on board of their boats.

SEC. 10. In case execution, upon any judgment rendered against said corporation shall be returned "no property found" it shall be lawful for the person or persons in whose name, or for whose benefit the said judgment may have been rendered, to issue a *scire facias* against any one or more of the stockholders of said corporation, to shew cause why execution should not be levied of his, her, or their proper goods and chattels, lands and tenements, in satisfaction of

said judgment to the full amount of the stock held by such stockholder or stockholders, at the time of the creation of the debt or liability upon which such judgment may have been rendered; and any stockholder in such case may plead in answer to such *scire facias* that he was not a stockholder at such time, or that the judgment has been fully paid; and if no sufficient cause be shewn to the contrary, execution shall be awarded against the goods and chattels, lands and tenements of such stockholder or stockholders to the full amount of his, her or their stock as aforesaid, if so much be required to satisfy said judgment.

SEC. 11. This act shall be deemed and taken to be a public act and to take effect from and after the passage and publication thereof in the "Comet," a weekly newspaper, printed in Charlestown in said State.

CHAPTER. LVII.

AN ACT to incorporate the Lafayette and Danville Rail Road Company.

[APPROVED FEBRUARY 5, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That Thomas T. Benbridge, Jacob Walker, Cyrus Ball, Nathan Jackson of the county of Tippecanoe and William Newell of the county of Warren, and their successors in office duly elected as hereinafter directed, are hereby constituted a body corporate and politic, by the name and style of the "the President and Directors of the Lafayette and Danville Rail Road Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice whatsoever; to make and use a common seal, and the same to alter, change or renew at pleasure; and shall be able and capable in law to make contracts and to enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The directors named in this act, or a majority of them, may meet at such time in the town of Lafayette as they may agree on, and organize said corporation by electing one of their body to be president, and after such organization any three of the board shall be a quorum, but after an election for directors, it shall require five to form a quorum.

SEC. 3. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect the ob-

jects of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, rules, and regulations, and all orders for the payment of such allowances as may be made to their officers, servants, and all others in their employ, which journal shall from time to time be read by the board, and if found correct, shall be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*: they shall fill all vacancies that may happen in their own body.

SEC. 4. The capital stock of said corporation shall be five hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, in the town of Lafayette as they may choose, after giving thirty days notice in one or more papers published in the town of Lafayette, and if after the books have continued so open for the period of sixty days the full amount of capital stock shall not have been subscribed, it shall be lawful for the corporation to open the books at such other place or places as they may think proper until the full amount shall be so subscribed, first giving the length of notice above required in some newspaper convenient to such place; in each of which books the following entry shall be made: "We the undersigned, respectively promise to pay the sum of one hundred dollars, for each share of stock set opposite our respective names, in such manner and proportions and at such time as "the president and directors of the Lafayette and Danville rail road company" may direct. Witness our hands, this day of 18 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, for the agent of any State, or of the United States, on behalf of the same, to subscribe for any amount of the capital stock; and the books shall be kept open until the whole amount of said stock is taken after which it shall be the duty of the commissioners to close said books.

SEC. 7. As soon as one half the capital stock is subscribed for, and three dollars paid on each share, (which shall be paid at the time of subscribing,) it shall be the duty of the corporation to give three weeks notice thereof, in one or more newspapers, and in each notice to appoint a time and place for the stockholders to meet, and elect nine directors, who shall be stockholders and citizens of the State; which election shall be held within three months after one half the capital stock is subscribed for, and shall be conducted by two judges appointed by the stockholders present; and the persons having the plurality of the votes given and counted in public shall be declared duly elected. No share shall confer a right to vote at any election, unless the same shall have been held one month previous to the election; in all elections, each share shall entitle the holder to one vote; and votes may be given by persons owning the

same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee or guardian, or by the authorized agent of any corporation, State, or of the United States; or any person having a right to vote, may vote by proxy. And it shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as they conveniently can, and elect one of their own body president. The president and directors thus elected to continue in office until the next annual election, and until their successors are elected and organized.

SEC. 8. All elections after the first shall be held on the first Monday of October annually, under the direction of three stockholders, not directors at the time, to be appointed by the board at a previous meeting, or by the stockholders present; of which election twenty days notice shall be given: *Provided*, That if from any cause whatever, there should be no election held on the day appointed by this act, or by the directors for the first election, it shall be lawful to hold the election on any other day,

SEC. 9. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president, and countersigned by the clerk; the stock shall be transferable on the books of the corporation only, personally, or by an agent or attorney, or by the administrator, executor, trustee, or guardian; but such stock shall at all times be held by the corporation, for any dues from the holder thereof to the corporation, or for any sum that may thereafter become due, on a contract made prior to such transfer.

SEC. 10. It shall be lawful for the said corporation to unite any other rail road or canal company which may be already incorporated by this State on any part of the route of said road, or with any company incorporated or to be incorporated in the State of Indiana. Or any other rail road or canal that is now or may hereafter be under the control of this State or any other of the United States for the making of a continuation of the said rail road or of any other rail road from the State line of Illinois to the town of Lafayette, in the State of Indiana, and thence to any other point in the said State of Indiana, or other state of the Union; upon such terms as may be agreed upon with the directors of said company or agents authorized to manage said rail road or canal.

SEC. 11. The said corporation is hereby authorized to construct, erect, build, make and use, a single, double, or treble, rail road or way of suitable width and dimensions, to be determined by the said corporation, on the line, course, or way, designated by the directors as hereinafter provided, as the line, course, and way whereon to construct, erect, build and make the same, and shall have power to regulate the time and manner in which goods and passengers and other property shall be transported, taken and carried on the same, and

shall have power to erect and maintain toll houses and other buildings, for the accommodation of their concerns as they may deem suitable to their interests.

SEC. 12. The said corporation are authorizd and empowered to borrow any sum of money upon their own credit which in their discretion may be deemed necessary, not exceeding the full amount of their capital stock, to aid in the construction or repair of said work, and in case it shall at any time appear to the said corporation that any part of the money so borrowed, or any paid in by the stockholders, or any surplus fund belonging to said corporation, is not necessary to be retained for immediate use, the same may be loaned on such terms as the directors of said corporation may in their discretion deem proper, at such rate of interest as is now allowed by the laws of this State to be taken for money loaned. But the said corporation shall in no case, either directly or indirectly engage in any kind of trade, or deal in merchandize other than may be necessary to carry into effect the objects contemplated by this act; nor shall said corporation under any pretence whatever enter into banking business for the purpose of issuing bills of credit or bills of any description to pass as a circulating medium.

SEC. 13. Whenever it shall be necessary for the construction of their single, double, or treble rail road or way, to intersect or cross any stream of water or water courses, or any road or highway it shall be lawful for the said corporation to construct their way or ways across or upon the same; but the corporation shall restore the stream or water courses, or road, or highway, thus intersected, to its former state, or in a sufficient manner not to have materially impaired its usefulness; and if it becomes necessary in the construction of said rail road or way to divert any water course, the matter shall be determined as is hereinafter provided for assessing damages to the owners of land through which the road may run.

SEC. 14. It shall be lawful for the company hereby incorporated, from time to time, to fix, regulate, and receive the tolls and charges by them to be received for transportation of property or persons on the single, double, or treble rail road or way aforesaid, hereby authorized to be constructed, erected, built, made and used; and to take and receive tolls upon any part of said route, whenever and as fast as sections of ten miles are fully completed.

SEC. 15. If any person shall wilfully do or cause to be done any act or acts whatever, whereby any building, construction or work of the said corporation, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and forfeit and pay to said corporation double the amount of damage sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt.

SEC. 16. The corporation shall have power to call for such proportions of the stock subscribed, not exceeding twenty per cent. at any one payment as they may think proper, to be paid at such time and place as they may designate, by giving ninety days notice in some weekly newspaper, printed nearest the place wheres aid rail road, may be commenced, or by giving written notice to the stockholders; in all such notices the amount on each share demanded, and the time and place of payment, shall be set forth; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time mentioned for such payment, the corporation may bring suit against such delinquent, for the amount due, in any court of competent jurisdiction, and recover the amount, with two per cent. a month interest thereon, for such detention, and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon, and the same shall thereby be absolutely forfeited to the corporation; and no such delinquent after the forfeiture of his stock, shall have the right to vote for directors, or receive any dividends on his, her or their stock, until the corporation is fully paid and satisfied.

SEC. 17. The corporation shall require of all officers and others in their employ, bonds, with security to their acceptance, with such penalties as they deem proper, for the faithful discharge of their respective duties. They shall also, upon opening books for the subscription of the capital stock, appoint one of their number to be treasurer, who shall be required to give said corporation bond and security in such penal sum as may be deemed necessary for the safe keeping of any funds that may be paid to said corporation, and the delivery of the same upon demand to his successor in office.

SEC. 18. The corporation by their agents shall have full power from time to time, to examine, survey, mark, and locate the route for a rail road, for a single or double or treble track, commencing on the west side of the Wabash river opposite the town of Lafayette, in the county of Tippecanoe, and running on the best ground for the interest of the company and convenience of the public, to the State line in the direction of the town of Danville, in Vermillion county, in the State of Illinois, with full power in all cases, to diverge from a straight line, when more favorable ground can be had for the construction of the road.

SEC. 19. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents and persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road; but no stone, gravel, wood, or other materials shall be taken away from any land, without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 20. It shall be lawful for the corporation, either before or after the location of any section of the road, to obtain from the persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction and location of the road, as also the stone, gravel, timber or other materials that may be obtained on said route, and may contract for stone, gravel, timber, and other materials that may be obtained from any other land near thereto; and it shall be lawful for said corporation, to receive by donations, gifts, grants or bequests, land, money, labor, property, stone, gravel, wood, or other materials, for the benefit of said corporation; and all such contracts, relinquishments, donations, gifts, grants, and bequests, made and entered into in writing, by any person or persons capable in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory, and the corporation may have their action at law, in any court of competent jurisdiction, to compel the observance of the same: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, and bequests, shall be fully and plainly made in writing, signed by the party making the same.

SEC. 21. That in all cases, where any person through whose land the road may run, shall refuse to relinquish the same, or when a contract by the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the county where such difficulties exist, that such facts do exist, and such justice shall thereupon summon the owner of such land, to appear before him on a particular day, within ten days thereafter, and shall appoint six disinterested persons of the neighborhood, who shall, after taking an oath faithfully and impartially to assess the damages, if any, view the land or materials, and after having taken into consideration the advantages, as well as the disadvantages the road may be to the same, and shall report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with such justice; whereupon said justice shall enter judgment thereon, unless for good cause shown; and in case either party should show sufficient cause why judgment should not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may, at any stage of the proceedings, appeal to the circuit court of the proper county, as in other cases; and such court shall appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court.

SEC. 22. And in all cases when the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county in which such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county; and if no person shall attend on the day named in said

notice, said justice shall adjourn the same until that day two weeks; at which time he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith, by the payment of costs or damages awarded against them, the corporation shall be seized of the land or materials: costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 23. That when said corporation shall have procured the right of way as hereinbefore provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, but not to interfere with the right of way of any rail road company heretofore incorporated; and no person body politic or corporate shall in any way interfere with, molest, disturb, or injure any of the rights or privileges hereby granted or that would be calculated to detract from or affect the profits of said corporation: *Provided however*, that it shall and may be lawful for said company to agree with any company now incorporated to cross the track of any rail or other road company now incorporated, and if no such agreement can be made, then and in that contingency, the company hereby incorporated may apply by bill in chancery to a court of chancery of the proper county, who are hereby fully authorized and empowered to adjudicate the matter and determine the mode and manner of crossing, and to allow such damages, if any, as may be assessed by a disinterested jury to be for that purpose appointed by said court.

SEC. 24. The corporation shall commence the construction of said road at or near the town of Lafayette, at any time within three years, and from time to time construct so much thereof towards the point of termination as may be within the ability and to the interest of the company: *Provided*, That the road shall be completed within ten years after the passage of this act.

SEC. 25. Half yearly dividends of so much of the profits as the corporation may deem expedient, shall be made on the first Mondays of January and July, annually, unless the directors fix on a different day, and paid to the different stockholders, as soon thereafter as can with convenience be done; but no dividend shall be made to a greater amount than the nett profits, after deducting all expenses; and the corporation may reserve such proportions of the profits as a contingent fund to meet subsequent expenses, as they shall deem proper.

SEC. 26. That the tolls shall, from time to time, be reduced so as the dividends shall never exceed fifteen per cent. per annum upon the capital stock actually paid in, and a failure to so reduce the tolls, shall operate as a forfeiture of the charter.

SEC. 27. It shall be the duty of the corporation, to cause a full statement of the affairs of the company, to be made and exhibited to the stockholders, at every annual election, or at any other general meeting of the stockholders.

SEC. 28. The State, in time of war, shall have the right to transport troops, munitions of war, and provisions free of toll on said road.

SEC. 29. That if said road after its completion, shall be suffered to go into decay, or be impassible for one year, unless when the same is repairing, this charter shall be taken and considered as forfeited.

SEC. 30. This charter is limited to fifty years in duration.

SEC. 31. Nothing in this act shall be so construed as to prevent the State from constructing or authorizing the construction of other rail road or rail roads between the same or any of the points through which the rail road contemplated in this act may pass.

SEC. 32. This act to be in force from and after its passage, and it shall be taken to be a public act, and shall be favourably construed for all beneficial purposes therein mentioned.

CHAPTER LVIII.

AN ACT to incorporate the Rockport Savings Institution.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John W. Graham, John Proctor, Miah Lamar, Thomas P. Britton, Willis Sinds, Benjamin Romine, John Lodwick, John E. Cotton, Henry C. Partridge, and Mason I. Howell, and their successors in office, duly appointed, or elected, as hereinafter directed, be, and the same are hereby made a corporation and body politic for the term of twenty years, who shall by the name and style of "the Rockport Savings Institution," be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and equity, or in any other place whatever; and to receive and make all whatever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars and may at any time, at the discretion of the directors, be increased to any sum not exceeding one hundred thousand dollars, to be divided into shares of fifty dollars each, and to be subscribed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to

give three weeks notice, of the time and place of opening books of subscription, in a newspaper published in this state; and it shall be the duty of the persons, companies or corporations taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meetings, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Rockport Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fixing their salaries or compensation, and defining their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the [three] stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the

stockholders fail to meet on the day appointed and elect their directors, it shall be lawful for them to meet on some other day under the provision of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual election, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being, shall order and direct, and a majority of the whole number of directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they may prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as two hundred shares are subscribed for and taken, and the board of directors be organized the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on the failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same

shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not employ or use any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company [shall] have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and to make insurance on life or lives; and to take all kinds of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other paper or writing, which can be construed or made to an-

swer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatever of discounting or engaging to discount any note or draft unless the same be presented at its counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of *'no property found'* or *'nota sufficiency of property to satisfy such execution'*, and not until then another execution may issue, and be levied upon the goods and chattels, lands and tenements, of each or any stockholder, or stockholders of said corporation to the amount of stock he or they shall hold therein, and no further, and of each or any stockholder or stockholders, who were such at the time the debt, demand or liability, on which such execution issues, first accrued against said corporation.

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act to take effect and be force from and after its passage.

CHAPTER LIX.

AN ACT to incorporate the Jeffersonville and New Albany Canal Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Andrew Fite, A. Wathen, James Keigwin, John Fischli, Nathaniel Field, William D. Beach, William Leviston, James G. Read, of the county of Clark; Preston F. Tuley, P. M. Dorsey, Robert Downey, S. E. Leonard, William M. Weir, Matthew Robison, James W. Lyons, and Henry Bogart, of the county of Floyd with their associates, be, and they are hereby created a corporation and body politic, by the name, style and title of "the Jeffersonville and New Albany Canal Company," for the purpose of opening and constructing a canal navigation, with suitable locks, docks and basins, around the falls of the Ohio river, within the State of Indiana; and they, with their associates and successors, shall so continue and have perpetual succession, and by that name are hereby made as capable in law, as natural persons, to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in all courts of law or equity in this State and elsewhere; to make,

have and use a common seal, and the same to break, alter or amend at pleasure. They shall also have the power to purchase and hold as much real estate as may be necessary for the site of said canal, roads, buildings, docks, basins, and the proper application of the water power, that may arise from the proper construction of said canal with power to make as many dry and wet docks as they may deem advisable; and also, to borrow money to any amount not exceeding the capital stock hereinabove mentioned; but not to have or exercise the privilege of loaning money, or buying or selling bills of exchange or other choses in action, or ushering notes on banking principles; also, the power to ordain and establish such by-laws, ordinances and regulations, as shall be necessary for the well-being and government of the concerns of said corporation, not contrary to the constitution and laws of this state or of the United States.

SEC. 2. That the capital stock of said company shall consist of six hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed for in the manner hereinabove mentioned: *Provided however,* That the State of Indiana, shall have the right to subscribe one third of the stock in said canal, provided the same be authorized to be taken within one year from the opening of books for the subscription of stock, as provided in this act.

SEC. 3. The persons hereinbefore named, or a majority of them, shall cause a public advertisement, to be made, of the time and places of opening books for the subscription of the stock of said company; which books of subscription shall be kept open, under the direction of the persons aforesaid, or a majority of them, not less than thirty days nor more than ninety days. If, however, at the closing of the subscription, it shall be found that a greater number of shares shall have been taken than the number of six thousand, then and in that case the persons aforesaid, or a majority of them, shall proceed to reduce the subscription, in an equitable proportion, among the subscribers, taking off from the largest subscribers, and not reducing any one below ten shares.

SEC. 4. That whenever one thousand shares of the capital stock of said company shall have been subscribed, the persons aforesaid, or a majority of them, shall advertise a meeting of the shareholders of said company, in Jeffersonville, giving at least fifteen day's notice of the time and place of such meeting, and shall thereupon proceed to the election of a president and four directors, who shall be stockholders in said company, and also fix what compensation they shall be entitled to, if any is allowed; and also, to ordain and adopt such other permanent by-laws for the organization of the said corporation, as they may deem needful; in which meeting, as well as at all future meetings or elections, each stockholder shall be entitled to one vote for every share he may hold, to the number of twenty, and one vote for every ten shares over twenty; but after the first general meeting and election, no person who is not a citizen of the United States, shall vote on any shares in said company, either in

person or by proxy. At all subsequent elections, no shares shall be voted [on] that have not stood in the name of the person claiming to vote, at least three months previous to the day of election. Shares may be voted on by proxy duly recorded and conforming to the foregoing qualifications.

SEC. 5. That the president and directors first chosen shall hold their offices until the first Monday of January 1837, or until others are chosen in their places. On the first Monday of January in each year, the stockholders of said company shall meet at their office, or some place to be designated by the President and Directors, in Jeffersonville and there proceed to choose a President and four Directors, who shall be shareholders in said company, and resident citizens of the United States, and who shall hold their offices for one year, and until others shall be elected in their places; public notice of such meetings and elections to be given by the Clerk or Secretary of the company, in some public newspaper at least fifteen days previous to such meeting or election. At the annual meetings, a statement of the affairs of the company shall be made out and presented to the meeting by the President and Directors, and such dividends of the profits declared, as they may deem advisable.

SEC. 6. That the concerns of said corporation shall be under the control, superintendence and management of the said board of President and Directors; a quorum of which, to do business, shall consist of the President and two directors, or, in the temporary absence of the president, of three directors, who may appoint one of their number as President *pro tem.* The President and directors may, after they shall have been duly elected as aforesaid, make such assessment on the shares subscribed, and payable at such periods as they may deem proper, with such conditions of forfeiture for non-compliance, not exceeding the amount of the stock delinquent, as they may deem advisable. They may open or renew the subscription for the shares not already subscribed, or dispose of them in any manner that they may think proper for the interest of the company: *Provided however,* that they shall not sell any stock or shares in said company at less than the par value thereof; and also, that proper notice of the time and place of said subscription or sale is given in one or more public newspapers.

SEC. 7. That it shall be the duty of the said President and Directors to appoint a clerk or secretary, a treasurer, and such other officers or agents as they may think needful for prosecuting the said undertaking, and to allow them such pay or compensation as they may agree on; to make contracts, and do all things necessary for carrying the same into immediate effect, and to require and take such bonds or other security, in their corporate name, from any person or persons they may so appoint or contract with. In case of the death, resignation, or vacancy from any other cause, in the said board of president and Directors, the remaining members may proceed to appoint a stockholder or stockholders to supply the place or places of

the President, Director or Directors so vacated, for the unexpired time for which he or they were elected.

SEC. 8. That the President and Directors of said company, by themselves or their agents or workmen, shall have full power to enter into and upon any lands in the vicinity of the proposed canal, and to survey and lay out such routh, or track as shall be deemed, by them, most practicable for effecting a safe and easy navigation, and also for suitable locks to it, and dry docks, suitable for such objects as are within the contemplation of this act and the organization of this company, doing as little injury to the adjoining grounds and enclosures as is possible, in the prosecution of the proposed undertaking; and it shall and may be lawful for the owners of the lands and tenements, to contract and agree with the said President and Directors for the conveyance of so much of said lands as will be necessary and requisite for the purpose aforesaid, if the President and Directors can agree with said owners; but in case of disagreement, said company may proceed to lay out and open their works on such ground as they may deem best adapted to the purposes of navigation, water-works, wet and dry docks, and basins, of connected with the same; and on application of either party to the circuit court of Clark or Floyd county, the said court so applied to, shall appoint twelve persons, who shall be freeholders and disinterested, to view and assess the damages and advantages arising to the said owners by the location of the said works, and make report thereof to said court; which report when duly received and admitted to record, shall be final, and on the payment of the money, if any is awarded, shall vest in said company the fee simple to the land. The president and directors shall likewise have power to sell or lease for a term of years the privilege of erecting docks or other locations on the said canal or its appendages.

SEC. 9. That it shall and may be lawful for the said president and directors, by themselves, their agents or workmen, to enter with such force as they employ for that purpose, upon the lands contiguous or near to the proposed canal, and from thence to take and carry away any earth, stone, timber, gravel, &c. being most convenient for making or repairing said canal and appendages, making proper compensation therefor to the owners of said land, if they can agree therein; but in case of disagreement then it shall be settled by valuation, in the manner before recited. And when the said canal shall be completed, suitable for the passage of boats drawing four feet of water in low stages of water, the president and directors, by themselves, their agents or servants, shall have power and authority to demand and receive from the owner or owners, master or agents of all vessels boats barges or other craft entering the said canal, the following rates of toll, to be paid before the said vessel, boat, barges, or other craft shall be suffered to pass through the same, to wit: For steam boats, sea vessels, barges or keel boats, twenty cents per ton, United States measurement; for each flat boat, four dollars; for each raft of timber, plank or other lumber, four dollars for every sixty feet in length, not exceeding twenty feet in width. The said

tolls to be paid in gold or silver coin, current in the United States, and in no event shall any law be passed, requiring or compelling the said company to receive any other currency in discharge of toll. The said president and directors shall fix and establish such sums as they may deem advisable, for the use of the docks, basins or other appendages to the said canal; which rates, with the foregoing rates of toll shall be posted up in some conspicuous place on the said canal, and no other or greater rates shall be demanded, than those so posted up.

SEC. 10. That if any person or persons shall wilfully and knowingly do any act or thing whatever, whereby the said navigation, or any lock, gate, dam, engine, machine or other thing thereto belonging, shall be injured, or damaged, or impeded, or shall commit any wilful trespass, or take, carry away or conceal any material, instrument, tool, or other thing belonging to, or used in or about the said works, or shall open or cause the locks to be opened, or attempt to do, [so] or to pass, or repass without the knowledge of the agent or manager to said canal, he she or they so offending, shall forfeit and pay to the said canal company, their tenant or agent, three times the amount of the cost or damage sustained by means of, or through such wilful act together with costs of suit, to be recovered before any court of competent jurisdiction; and in case of clandestinely taking and carrying away, be liable to a prosecution for theft, as in other cases.

SEC. 11. That the said president and directors shall keep a true account of the cost and expenditure of the said canal and appendages, and on the first Monday of January of each year, have the same made up, and the balance of profits struck and divided among the stockholders, and report the same to the General Assembly of this State; and if it shall appear by the said return so made under the oath of the president and directors, that the profits so divided do not amount to twelve and a half [per] cent. on the capital expended, the said corporation shall be authorized to add to the tolls for the succeeding years, until the nett profit, after deducting for all expenses, repairs and necessary improvements, shall amount to twelve and a half [per] cent. per year. But should it appear by the said returns, that the nett profits as aforesaid exceed eighteen per cent. per year, after the expenses, repairs and necessary improvements are made, the legislature reserve to themselves the right so to reduce the amount of tolls, as that the profits to be divided shall not exceed eighteen per cent. per annum.

SEC. 12. That the trustees of the town of Jeffersonville, and the trustees of the town of New Albany, shall have a right to subscribe for, and take any amount of stock in this company or corporation, not exceeding two hundred shares each, and that whatever sum which may be so subscribed for and taken by the trustees aforesaid, not exceeding twenty thousand dollars, to the trustees of each of said towns, and shall not be reduced by any thing in the third section of this act contained; and that said trustees and their successors shall

be entitled to the same votes as other subscribers or stockholders, and not otherwise; which stock may be subscribed for by the president or chairman of the board of trustees for the time being, and the votes to which they may be entitled, may be either given by the president or chairman of said board for the time being, or such other person as they may appoint: *Provided*, that such subscription by such trustees be made within sixty days from the time of opening the books for subscription of stock. And to enable said trustees to raise and borrow the necessary funds to meet and pay up their subscription of stock, the said trustees and their successors may pledge the amount of their stock so subscribed and taken as well as their interest or profits arising from the proposed canal and dry and wet docks and other appendages, as well as any other funds or property they may possess as trustees aforesaid.

SEC. 13. That the stock in said company shall and may be transferable, in whatever manner the president and directors of said canal may, by their by-laws, ordain and appoint.

SEC. 14. That unless the said company shall, within three years from the passage of this act, *bona fide* commence the cutting of the said canal, or shall fail, within ten years from the passage of this act, to have the main object of their charter, to wit, the canal itself completed, the corporate powers hereby granted shall cease and determine.

SEC. 15. That the State may make the canal, with all the privileges and necessary appendages and appurtenances belonging to the said work, the property of the State, whenever the said company may be equitably indemnified, according to the amount necessarily expended about the works of said canal, with nine per centum interest, per annum, on said amount.

CHAPTER. LX.

AN ACT to incorporate the Lagrange County Manufacturing Company.

[APPROVED FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Joshua Hobbs, David Smith, Albert Powel, Jonathan Woodruff, jr. Lewis Vance, and their associates, for the purpose of digging a canal and building mills, for grinding grain, sawing lumber and propelling such machinery as may be attached to said mill or mills, and to carry on a business incident thereto, in or adjoining the town of Mongoquenong, in the county of La Grange, be and they are hereby constituted a body politic and corporate by the name and style of "The La Grange county Manufacturing company" and in such corporate name and style, they and their successors and as-

signs shall have continual succession and be entitled to all the privileges and immunities of the laws of this state as a body politic and corporate, such as contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered in any court of competent jurisdiction. And that they and their successors may have a common seal and may make and alter the same at pleasure, and they and their successors as a body corporate, by the aforesaid name and style, shall be competent and capable of purchasing, holding, and conveying any property or estate whatever, real or personal, that may be necessary in prosecuting the business, and no more, aforesaid, and that the said corporation shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. That the capital stock of said corporation shall consist of fifty thousand dollars to be divided into shares of fifty dollars each, but it shall nevertheless be lawful for said corporation to commence their business, when and as soon as four thousand dollars of said stock shall have been subscribed for, and with that capital to conduct and carry forward the same, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount hereinbefore mentioned.

SEC. 3. The process against said corporation shall be by summons which being executed on any director, or president thereof, herein-after mentioned, the further proceedings shall be the same as against natural persons.

SEC. 4. The subscription to the said stock shall be opened under the said Jonathan Woodruff jr. Albert Powel, John M. Brown, John Kromer, and Thayer H. Cadding, or any two of them who are hereby appointed commissioners for that purpose, and authorized to secure subscriptions to the said capital stock, on such days and at such place, after the passage of this act, at the said Mongouquonong, as they shall appoint, and the sum of five dollars at least shall be paid to the commissioners, previous to the election of directors, on each share.

SEC. 5. The stock, property and concerns of said corporation, shall be managed and conducted by five directors, who shall be stockholders and residents of La Grange county, who may respectively hold their offices for one year and until others shall be chosen and no longer: *Provided*, that the directors first chosen shall hold their offices, until the first Monday in June, A. D. eighteen hundred and thirty seven, and until others shall be elected in their stead.

SEC. 6. So soon as four thousand dollars shall have been subscribed, and the sum of five dollars paid on each share, pursuant to the requisitions of this act, the commissioners so appointed shall give notice by written advertisements, posted up in five of the most public places in said county for an election of directors, on such day and at such place in the town of Mongouquonong as said commissioners or

a majority of them shall designate, which notice shall be given at least ten days prior to such election.

SEC. 7. The directors of said corporation shall be chosen annually on the first Monday in June in each year, after [the term] of the first directors shall have expired, and at such place in the town of Mongouquonong, as a majority of the directors, for the time being, may prescribe; of which election notice shall be given at least fourteen days, by written advertisements, posted up at five of the most public places in the county of La Grange, or by publication for the same length of time, in any public newspaper printed in said county.

SEC. 8. The first election herein contemplated shall be held under the inspection of the said commissioners; and all subsequent elections under the inspection of the directors for the time being.

SEC. 9. All elections shall be by ballot, and a majority of votes present, allowing one vote for each share, shall be necessary to a choice, and votes may be given by the person or persons owning the same or their representatives by proxy or in person.

SEC. 10. The directors chosen under the provisions of this act, as soon as may be after their election, shall proceed to elect by ballot from among themselves, one person to be a president, also choose a secretary and a treasurer, and such other subordinate officers, as by the by-laws of said corporation, shall be required; and at pleasure may remove such secretary, treasurer or subordinate officer or officers, and at any time fill such vacancy or vacancies, that may in any way happen; and the said directors shall at all times superintend and manage the funds and affairs of the corporation, three of whom shall constitute a quorum to do business; and shall have power to prescribe and make such by-laws, rules and regulations, (not repugnant to law or the provisions of this charter,) as shall appear to them needful and proper, touching the management and disposition of the said stock, property, estate, and effects of the said corporation, and in case of a vacancy in said board, by death or otherwise, the remainder of the said board shall have power to fill the said vacancy, but if a vacancy of two or more should occur, the remaining board shall proceed to order an election to fill such vacancy.

SEC. 11. In case it should happen at any time that an election of directors should not be made on any day, when in pursuance [of this act] it should have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful on any other day to hold an election for directors in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 12. The directors shall at all times keep or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of the said corporation, which books shall be subject at all times to the inspection of the stockholders of said company.

SEC. 13. The stock of said corporation shall be assignable and transferable according to such rules and regulations, as the board of directors may make and establish, and shall be considered personal

property: *Provided*, That no transfer of stock shall be valid or effectual, until registered in a book to be kept for that purpose by the said president, which book shall at all reasonable hours for transacting business be open to the examination of all stockholders or any [person] having any demand against the corporation or any member of it, and if any officer of the company having charge of such book shall refuse to present the same to be examined as aforesaid, he shall for every such offence forfeit the sum of one hundred dollars, one moiety to be paid into the La Grange county Seminary fund, and the other moiety to him who will sue for the same, by action of debt in any court of record together with costs of suit.

SEC. 14. The stockholders of said corporation shall severally be held responsible in their individual capacity, for the amount of their respective subscription to said stock and no further: *Provided*, That if said company shall at any time fail or become insolvent, and its property and effects should not be sufficient to liquidate all just and legal demands, debts and dues, and that the said directors shall have been found guilty of violating every [any] part of the letter or spirit of this charter, or should any agent be found transcending the order of said directors, in either case such directors or agents shall become responsible to the full amount of such failure or insolvency, otherwise their respective responsibility, shall be on equal footing with the other stockholders.

SEC. 15. The directors shall have power to secure and by due course of law, collect all subscriptions for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock, which shall not be paid pursuant to the requisitions of the said board, or the board may in their discretion, after failure to pay any instalment on stock as may be required, declare the part of said stock before paid in, on any share or shares, forfeited to the use and benefit of the said company: *Provided*, notice of such requisitions shall have been given by said directors by written advertisements, posted up at five of the most public places in the said county of La Grange, at least forty days before such instalments may be payable, specifying the amount thereof and when due.

SEC. 16. The said corporation shall have perpetual succession, and shall have the sole and exclusive use and benefit of all the water passing along and through the canal or race authorized to be constructed by this act. The said corporation shall have full power and lawful authority to use any portion or all of the water flowing along and through the said race or canal for hydraulic purposes and otherwise, and shall have power to lease out water privileges for any definite period of time.

SEC. 17. The said corporation shall have full power and authority, from time to time, to examine, survey, mark and locate the route for said race or canal from the White Pigeon creek, south-east of the village of the said Mongoquinong, to any point they may fix on

within three miles of said village, running on the best ground, for the interest of the said corporation and the convenience of the public, to the bank of the aforesaid creek, south or west of the said village, and the said race or canal shall not be more than sixty miles [feet] wide.

SEC. 18. It shall be lawful for the corporation, either before or after the location of said road or canal, to obtain from the person or persons, through and over whose land the same may pass a relinquishment of so much of said land as may be necessary for the location and construction of said road or canal, and it shall be lawful for said corporation to receive by donation, gift, grant or bequest, bonds [lands,] money, labor, property, stone, or other materials for the benefit of said corporation.

SEC. 19. That the said corporation shall have power to enter on the land or lands of any person or persons, on the route aforesaid of said race or canal, to survey and mark the same; and if the owner or owners of said land shall refuse to relinquish on some amicable terms, then it shall be the duty of said corporation to give notice in writing to [some] justice of the peace in said town or its vicinage, that such facts do exist, and such justice shall therefore [thereupon] summon the owner or owners of such land or lands to appear before him on a day certain, within ten days thereafter, and shall appoint twelve disinterested citizens, freeholders of said county, who shall, after taking an oath or affirmation faithfully and impartially to assess the damages, if any there be on a view of the premises, and the said jury in making their verdict, shall take into consideration, the advantage as well as the disadvantage the said road or canal, as well [as the] mills and machinery may be to the lands over which the said canal or race may pass; and if the said jury should award damages, they shall return their verdict as in other cases, and the justice shall enter judgment thereon as in other cases, unless on good cause shown: and in case either party should show sufficient cause why judgment should not be entered on said verdict, the justice may grant a review of the premises, either with or without costs: *Provided*, That either party may at any stage of the proceedings appeal to the circuit court of said county as in other cases, and such court shall appoint reviewers as before directed, who may report at that or the succeeding term of the said court, and the said court shall act on the verdict as in other cases.

SEC. 20. And in all cases when the owner or owners of such land shall be minors, insane, or non-resident persons, such justice shall, on application of said corporation, cause three notices of such application to be posted up in three of the most public places in said county, which notices shall show the time and place fixed on for the appointment of said jury, which notice shall be posted at least five days before the said jury shall be appointed, and in case no person shall attend at the time and place specified in said notice, the said justice shall then suspend all further action in the premises, for

the period of two weeks, at which time the said justice, shall then proceed to award a jury, as if such person or persons had been duly notified to attend, and in case the said corporation shall act in compliance with the judgment entered on the verdict of said jury for damages, (in case a judgment should be rendered on said inquisition) then the said corporation shall be considered as seized of said premises for the use and purpose aforesaid.

SEC. 21. That if any person or persons shall wilfully injure or obstruct said canal or race or buildings or machinery or any part thereof, such person or persons so offending shall pay to the said corporation, three times the amount of the damage actually done, with costs of suit, to be recovered by the said corporation before any court having competent jurisdiction thereof.

SEC. 22. This corporation shall not in any respect whatever, act or be engaged in any species of banking business, or issuing bills of credit in the form of bank bills.

SEC. 23. When any judgment is recovered against the said corporation, execution may, in default of corporation effects, be levied on the property of any one or more of the persons who may be stockholders or who may have been stockholders of said corporation at the time the liability accrued on which the judgment was rendered, to the amount of his or their stock; and the said corporation shall at no time be in debt double the amount of the stock paid in, on pain of a forfeiture of this charter.

SEC. 23. No real estate shall be held by the corporation in mortgage or trust, to secure debts, during the same, for a longer time than five years, or until such estate can be sold for a sum sufficient to pay the debt, interest and expenses of collecting the same.

SEC. 24. This act shall be, and the same is hereby declared a public act, and shall take effect from and after its passage.

CHAPTER LXI.

AN ACT for the incorporation of the Freedom Steam Mill Company.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That John Johnson, John R. Freeland, and Samuel Folsom of Owen county, William Freeland, Peter Hill and Hugh L. Livingston of Green county, together with such other persons as may be hereafter associated with them, for the purpose of building and managing a steam mill for grinding grain, and such other machinery, as may be attached to said mill, and to carry on the business thereto, in the town of Freedom in the county of Owen, be, and they are hereby constituted a body politic and corporate, by the name and style of

the "Freedom Steam Mill Company," and by such corporate name and style, they and their successors and assigns, shall have continual succession, and be entitled to all the privileges and immunities of the laws of this State, as a body politic and corporate, such as contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered, in any court of competent jurisdiction, and that they and their successors may have and use a common seal, and may make and alter the same at pleasure, and they and their successors as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding and conveying any property or estate whatever, real or personal, that may by them be deemed necessary in prosecuting the business aforesaid, and the said corporation as herein described shall exist for the term of thirty years, from and after the passage of this act.

SEC. 2. The capital stock shall consist of fifty thousand dollars, consisting of shares of twenty-five dollars each; that it shall nevertheless be lawful for said corporation, so soon as the sum of three thousand dollars shall have been subscribed, to commence their business, and they shall then be entitled to all the privileges of the said corporation, and shall at all times have the privilege of extending the capital stock, by subscription, to the amount of sixty thousand dollars, as the interest or business of said corporation may require; and the said John Johnson, John R. Freeland, Samuel Folsom, William Freeland, Peter Hill, and Hugh L. Livingston, or any four of them, are hereby constituted commissioners, and as such are hereby authorized to open books and receive subscriptions at such time or times, and place, as a majority of them may agree, after the passage of this act, which subscriptions shall be paid at such times, and in such manner, as the board of directors shall order and direct.

SEC. 3. The process against said corporation shall be by summons, which being executed on the president of the board of directors hereinafter named, the further proceedings shall be the same as against natural persons.

SEC. 4. So soon as the sum of three thousand dollars shall have been subscribed, and five dollars paid on each share, pursuant to the requisitions of this act, the commissioners appointed by the second section of this act, shall give notice to the stockholders, by publication in some newspaper, for an election of directors, to be holden in said town of Freedom, and on such day as said commissioners, or a majority of them, may designate; which notice shall be given at least three weeks previous to such election.

SEC. 5. The stock, property and concerns of said corporation shall be managed and directed by a board of directors, consisting of five stockholders, one of whom shall be president, and shall hold their offices respectively, for the term of one year, and no longer: *Provided*, That the directors herein first elected, shall hold their offices until the first Monday of July eighteen hundred and thirty-seven, and until their successors are elected in their stead.

SEC. 6. A majority of said directors shall form a quorum to do business for said corporation, and shall at their first meeting proceed to elect one of their number president; and in case of vacancy, they shall have power to fill the same, by appointment, until the next annual election of said company, or until a successor shall be elected and authorized to act; and said board of directors may make such by-laws, rules and regulations as they may deem expedient for the government of said corporation: *Provided*, That the same shall be compatible with the laws of this State, and of the United States, and said board shall have full power and authority to manage and direct the business and affairs of said corporation.

SEC. 7. All persons having one share shall be entitled to one vote for directors, at any election of said company, and one additional vote for each additional share he or she may own: *Provided*, That no stockholder shall be authorized to vote for any share or shares which he or she have failed to make payment, according to the order of said board.

SEC. 8. The said directors shall have power at any time to receive, and by due course of law to coerce the collection of any or all subscriptions to the capital stock of said corporation, together with all legal costs, and any tax or damages they may assess for delinquency, or refusal to pay their respective instalments, when called upon, by order of said board: *Provided*, Such tax or assessment shall in no case exceed ten per centum on the sum due and in arrear.

SEC. 9. In case of insolvency of said corporation, each stockholder shall be liable to the creditors of said corporation for debts incurred by said corporation, whilst he was such stockholder, in proportion to the amount of his stock, by suit in equity, and the creditors may also file such bill, against any person or persons indebted to said corporation, and recover any debt due them for stock or otherwise, and apply the same or any equitable portion thereof to the payment of their respective demands.

SEC. 10. The stock of said corporation shall be considered as personal property, and shall be assignable, agreeably to such rules and regulations, as the board of directors may from time to time prescribe: *Provided*, That no transaction, on the capital of said stock shall be valid, until the same shall be entered as a matter of record, on the books of said company, nor till all or any claims of said company, shall have against said stockholder, shall be liquidated.

SEC. 11. That said directors shall appoint one secretary and treasurer, who shall report to said board the proceedings thereof, semi-annually, and oftener if by said board required to do so; said treasurer shall give bond with such security, and in such sum, as said board shall order and direct; and said secretary shall keep the books of said corporation, [in such a manner, that at any time they will give a full explanation of the state, standing and transactions of said corporation,] which books shall at all times be opened to the inspection of all persons in any manner connected with said company, either as stockholders, or having dealings with, or claims against the same;

and upon refusal of said secretary to inspect said books, when there-to requested, within the usual hours of doing business, for one whole day, said corporation shall forfeit to the person or persons injured, a sum not exceeding one hundred dollars, to be recovered by action of debt.

SEC. 12. Said corporation shall not in any manner be engaged in any species of banking, nor shall said corporation ever issue any bills of credit in the form of bank notes.

SEC. 13. This act shall be, and the same is hereby duly declared a public act, for the purposes herein specified.

SEC. 14. If said corporation shall fail to elect directors, on the day and at the time and place herein prescribed, this charter shall not for that cause be forfeited, but said corporation shall at any time thereafter, have the power to hold said election at any time, by giving notices as provided by the fourth section of this act, and in case of such failure to elect as aforesaid, the directors whose term of office would have expired, shall continue in office until their successors are duly elected.

This act to be in force and take effect from and after its passage.

CHAPTER LXII.

AN ACT to incorporate the Troy Savings Institution and Insurance Company.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Reuben Bates, John Daniel, Frederick Conner, Peter Wilson, David G. Wilson, James B. Worthington, Patrick O. Riley, Moses B. Niles, Levin Wright, and Robert Cotton, and their successors in office, duly appointed, or elected, as hereinafter directed, be, and the same are hereby made a corporation and body politic for the term of twenty years, who shall by the name and style of "the Troy Savings Institution, and Insurance Company" be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, or in any other place whatever; and to receive and make all deeds, transfers, contracts, conveyances, grants and other writings whatever; and generally to do any other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design, of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be fifty thousand dollars, and may, at any time, at the discretion of the directors, be increased to any sum not exceeding one hundred thousand dollars, to be divided into shares of fifty dollars each, and to be subscrib-

ed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in some newspaper published in this state; and it shall be the duty of the persons, or corporations taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meeting, once in each year at such time and place as may be designated by the above named individuals, and by the directors that may hereafter be appointed or elected, who shall at such meeting have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Troy Savings Institution and Insurance Company shall, at their first meeting after the passage of this act, and at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem, for the time being; they shall fill all vacancies which may occur in their own body, who shall hold their office until the next annual election, and until their successors be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business, fixing their salaries or compensation, and defining their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the [three] stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder

not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed and elect their directors, it shall be lawful for them to meet on some other day under the provision of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual election, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being, shall order and direct, and a majority of the whole number of directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, that no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they may prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed for and taken, and the board of directors organized the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, refuse or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the de-

positor, and on failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not employ or use any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandise, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above so soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company [shall] have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and to make insurance on life or lives; and to take all kinds of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or

any other paper or writing, which can be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatever of discounting or engaging to discount any note or draft unless the same be presented at its counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied of the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return on such execution of 'no property found' or not a sufficiency of property to satisfy such execution, and not until then another execution may issue, and be levied on the goods and chattels, lands and tenements, of each or any stockholder, or stockholders of said corporation to the amount of stock he or they hold therein, and no further, and of each or any stockholder or stockholders, who were such at the time the debt, demand or liability, on which such execution issues, first accrued against said corporation.

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act shall take effect and be in force from and after its passage.

CHAPTER LXIII.

AN ACT to incorporate the Brownstown Turnpike Company.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That George Housh, William Logan, Jeremiah Rowland, and Beebee Booth, of Washington county, Jonas Berkey, Jesse B. Durham, Samuel P. Mooney, Abel Findley, sen'r, Obadiah M. Crane, and Hiram Kress, of Jackson county, and John Smith, Edward Carvan, James Gabbard, John M'Kinney, David Newsome, and, John Endley of the county of Bartholomew, and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "The President and Directors of the Brownstown turnpike company" shall be able and capable, in law and equity to sue and be sued, defend and be defended, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure; and shall be able in law to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules and

regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws and constitution of the State.

SEC. 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, with power to increase the capital stock, if necessary, to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization, any five of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other officers and servants necessary to carry into effect this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws, and regulations, and all orders for the payment of such allowances as may be made to their officers, and all others in their employ, which journal and proceedings shall from time to time be signed by the president; they may sit on their own adjournments, or on the call of the president; when the president is absent, they may appoint a president *pro tempore*: they shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time, and at such places as they may choose, due notice of which shall be given in some public newspaper in this state; in each of which books, the following entry shall be made: "We the undersigned, promise to pay the sum of fifty dollars, for each share of stock set opposite our names, in such manner and proportions and at such time as "the president and directors of the Brownstown turnpike company" may direct. Witness our hands, this day of 18 ."

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation may by an agent offer for sale in any other state, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms, as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as two thousand shares are subscribed for, and three dollars paid on each share, it shall be the duty of the corporation to give three weeks notice thereof, in some newspaper in this state, and in such notice appoint a time and place for the stockholders to meet, and elect nine directors, who shall be stockholders, and

citizens of this state, and which election shall be by ballot, and conducted under the superintendence of one inspector and two judges appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected; in all elections each share, from one to five, shall entitle the holder to one vote; and every additional five shares, one vote only; to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any incorporation; or any person having a right to vote, may vote by proxy.

SEC. 8. It shall be the duty of the directors, elected as above, and those elected at all subsequent elections, to elect one of their body a president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be held on the first Monday of January annually, under the direction of the stockholders present, of which election notice shall be given; but should no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation only, [personally] or by agent or attorney, or by the administrator, executor, trustee or guardian; but such stock shall be at all times held by the corporation, for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract, made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty-five per cent. every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty day's notice in some newspaper of this state, or by giving written notice to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with two per cent. interest thereon per month; and if the amount cannot be made on execution, or if such delinquent is out of the State, then the corporation may, by an order on their books, declare such stock forfeited to the corporation, with whatever amount may have been paid thereon; and no such delinquent, before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her or their stock, until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ,

bonds with security, as they may think proper, for the faithful performance of their respective duties.

SEC. 12. The corporation shall have power by themselves or agents, to examine, survey and locate a turnpike road from Columbus, in Barthomew county, by the way of Rockford and Brownstown in Jackson county, to Salem in Washington county; the said corporation shall have power to locate said road upon the most eligible and suitable ground, with full power to diverge from a direct line, between the points named, where more favorable ground can be had for the construction of said road, the same to be not more than one hundred feet in width.

SEC. 13. And for the purpose of making such examination and location it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood or other materials necessary for the construction of said road, but no stone, gravel or other material shall be taken away from any land without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation, either before or after the location of said road, to obtain from any person or persons, through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber and other materials, that may be obtained upon said route and may contract for stone, gravel, timber and other materials, that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, money, labour, property, stone, gravel, wood or other materials for the benefit of said corporation, and all such contracts, relinquishments and donations, gifts, grants, or bequests made and entered into in writing by any person, or persons able in law to contract, made in consideration of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, in any court of competent jurisdiction, to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, &c. shall be made in writing by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace in the county where such circumstance may occur, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall summon a jury of twelve men, or a less number, if agreed to by the parties, who shall, after taking an oath, faithfully and impartially to assess the damage if any, view the lands or materials, and after taking into consideration the advantages, as well as the disadvantages, the road

may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with the justice; whereupon such justice shall enter judgment thereon, unless for good cause shown, and in case either party shall show a sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, either party may at any time after the rendition of such judgment, appeal to the circuit court, as in other cases, and such court may confirm the judgment of such justice or appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court, and the judgment of the circuit court shall be final when rendered.

SEC. 16. And in all cases where the owner or owners of such land or materials, shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall appear on the day named in such notices, he shall proceed as if such person or persons had been duly notified to attend, and on such judgment being rendered, and the corporation complying therewith by the payment of costs and damages that may be awarded against them, shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 17. If it shall be found necessary, the corporation shall have the right to lay said road along and upon any state or county road: *Provided, however*, Before such location shall be made, the corporation shall procure the consent of the county commissioners, in their respective counties, through which the same shall run, for such right, and shall enter the same on the records of said county or counties, as the case may be; *Provided*, That nothing herein contained, shall be so construed as to prevent said road from crossing any state or county road.

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid: and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges hereby granted.

SEC. 19. The corporation shall commence the construction of said road within three years and complete the same within ten years from its commencement: *Provided, however*, That if ten miles of said road, shall be completed within the time aforesaid, the charter shall not be forfeited, as to that part of said road so completed.

SEC. 20. The corporation shall cause said road to be opened, not exceeding one hundred feet wide, at least twenty feet of which shall be an artificial road, composed of stone, gravel, or other suitable materials, well compacted together in such manner as to secure a firm,

substantial, and even road, rising in the middle with a gradual curve, or a track road of wood or other material, and shall maintain and keep the same in good repair; and in no case, shall the ascent in the road be greater than an elevation of five degrees.

SEC. 21. If said road, after the completion thereof, shall be suffered to go to decay, or be impassible for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 22. So soon as the said corporation shall have completed the said road as aforesaid, or any ten continuous miles thereof agreeably to the provisions of this act, they may then erect a gate or gates at suitable distances apart, not less than ten miles, and demand and receive of persons travelling said road, the tolls allowed by this act: *Provided*, That said corporation may erect gates, five miles apart, and demand and receive at any such gate or gates one half the toll allowed for ten miles.

SEC. 23. The following shall be the rates of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding eighteen and three quarter cents, for every horse or other animal in addition, six and one quarter cents, for every cart, chaise, or other two wheel carriage or vehicle, drawn by one horse or other animal, not exceeding twelve and a half cents, for every horse or other animal in addition, six and one quarter cents, for every sled or sleigh, drawn by one horse or other animal, six and a quarter cents, for every horse or other animal in addition, six and a quarter cents, for every coach, chariot, or other four wheel pleasure carriage, drawn by one horse, not exceeding eighteen and three quarter cents, for every additional horse, six and a quarter cents, for every horse, and rider not exceeding six and a quarter cents, for every horse mule or ass, six months old and upwards, led or driven, not exceeding three cents; for every head of neat cattle, six months old and upwards, one cent, each hog or sheep, a half cent each; *Provided*. That all persons going to, or returning from public worship, and all militia men going to, or returning from musters, and all funeral processions, shall pass said road free of toll.

SEC. 24. If any person or persons, using said road shall, with intent to defraud said company, or to evade the payment of toll, pass through any private gate or barb^ø or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall for every such offence forfeit and pay to the corporation, the sum of five dollars, without any stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed, as to prevent persons, residing on said road from

passing thereon, about their premises for common and ordinary business.

SEC. 25. If the said corporation shall fail for ten days in succession to keep said road in repair, and complaint be made thereof, to a justice of the peace of the county, it shall be his duty forthwith, to summon three disinterested judicious freeholders, to examine the same, and he shall give notice to the toll gatherer at the nearest gate, of the time when said freeholders, will proceed to examine that part of the road complained of, and the said freeholders, after having taken an oath or affirmation to act impartially, shall proceed in the examination, and if they find the same out of repair, they shall certify it to a justice of the peace who shall immediately transmit a copy of such certificate to the nearest toll gatherer, where such defective part of the road lies, and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same shall be put in complete repair, under the penalty of five dollars, for every such offence, to be recovered of such corporation, with costs of suit, and for the party aggrieved.

SEC. 26. If any person shall voluntarily or wilfully destroy or in any manner injure or obstruct any part of said road or any gate thereon, otherwise than in the just and lawful use thereof, every person shall, on conviction thereof, before a justice of the peace of the county, be liable to a fine of not more than fifty, nor less than five dollars for every such offence, to be recovered by an action of debt, at the suit of the state of Indiana, to go the county seminary fund, in the county where the injury may have been committed, and such offenders shall moreover be liable for all such damages to the corporation, or for injury accruing to travellers, in consequence of any such unlawful damage to, or obstruction of said road. All damages and costs under this section, shall inure to the parties entitled to the same, and shall be collected by execution, without any delay or stay of execution, before any court having competent jurisdiction thereof.

SEC. 27. The company shall put up a post or stone at the end of each mile, with the number of miles from either extremity fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction, as may be necessary.

SEC. 28. Any person wilfully destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 29. If any toll gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed he

shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered with costs of suit before any justice of the peace having competent jurisdiction, at the suit of the party injured: *Provided*, That no suit or action, shall be brought against any person or persons, for any penalty incurred under this section, unless such suit or action shall be commenced within thirty days, from the time of incurring the same; and the defendant or defendants, in such action, may plead the general issue and give this act in evidence, with any other special matter.

SEC. 30. The corporation shall cause to be kept a fair account of the whole expense of making, and repairing said road with all incidental expenses; and also a fair account of the toll received; and the state shall have a right to purchase the stock of said company, at any time after twenty years, on paying said corporation a sum of money, which together with the toll received shall equal the cost and expenses of said turnpike road as aforesaid, with an interest of twelve per cent. per annum; and the books of the corporation, shall always be open for the inspection of any agent of the state appointed for that purpose by the legislature; and if the corporation shall neglect or refuse, to exhibit, at any time their accounts, agreeably to this section, when thereto required, then all the rights and privileges granted by this act, shall cease and be at an end.

SEC. 31. The said corporation shall be, and they are hereby authorized and empowered to demand and receive the same toll, and proceed in the same manner to collect the same, from the driver or owners of any stage, carriage, or sleigh, in which shall be conveyed the mail of the United States, as they have by this act a right to do, from the driver of similar carriages and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, That nothing herein contained shall be so construed as to empower said corporation, their agent or agents to stop or detain any person, carriage sleigh, or horse whilst actually employed in conveyance of said mail.

SEC. 32. It shall be lawful for the county commissioners of each and every county, through which said road, may run or pass, for and on behalf of such county, to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 33. This charter is hereby limited to fifty years in its duration.

SEC. 34. That the full right and privilege is hereby reserved to the citizens of this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any road leading to or from the main route, to any part or parts of the state, or of crossing said road, by any county, state or other road.

SEC. 35. This act to be in force from and after its passage, and shall be taken and considered a public act in all courts of record within this state, as also in courts of justices of the peace, and shall be beneficially construed.

CHAPTER. LXIV.

AN ACT to incorporate the Kraco Steam Mill Manufacturing Company.

[APPROVED FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of building and managing a steam mill for grinding grain and driving such other machinery as may be attached to said mill, and carrying on the business incident thereto, in the town of Kraco, Allen county, Asa Miller, Adam Hall, Jesse Long, George Slagle, William Lucky, Francis Tulleys, Joseph Crow, and their associates be, and they are hereby constituted a body politic and corporate, by the name and style of the "Kraco Steam Mill and Manufacturing Company," and in such corporate name and capacity may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of competent jurisdiction in this state.

SEC. 2. The process against said corporation shall be by summons which being executed on any director, or president thereof, herein-after mentioned, the further proceedings shall be the same as against natural persons.

SEC. 3. The said corporation may have a common seal, and may alter and change the same at pleasure; and shall be capable of purchasing, holding using and conveying any estate real or personal, necessary for the use and security of said corporation.

SEC. 4. The capital stock of said corporation shall be five thousand dollars; and shall be divided into shares of twenty-five dollars each, but it shall be lawful for the said corporation to commence their said business, when and so soon as one thousand dollars shall have been subscribed for, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital to the amount hereinbefore mentioned.

SEC. 5. The subscription of stock to the said corporation shall be opened under the direction of the persons named in the first section of this act, or any two of them, who are hereby appointed commissioners for that purpose, and authorized to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, as they shall appoint, which subscriptions shall be paid at such time, and in such manner as the board of directors, shall order and direct.

SEC. 6. The stock, property and concerns of the said corporation shall be managed and conducted by five directors, who shall be stockholders and residents of Allen or Whitley county, one of whom to be president, who may respectively hold their offices for one year, and until their successors are chosen and qualified: *Provided*, the directors first chosen shall hold their offices until the first Monday of May 1837, and until others shall be elected in their stead.

SEC. 7. So soon as the sum of one thousand dollars have been subscribed, the commissioners appointed by the first section of this act, shall give notice by written advertisement, or publication in a newspaper for an election of directors, at such place and on such day in the town of Kraco as a majority of them shall direct; which notice shall be at least ten days previous to such election.

SEC. 8. The directors of said corporation shall be chosen annually on the first Monday of May, after the term of service of the directors first chosen shall have expired, at such place in the town of Kraco, as a majority of the directors, for the time being, may prescribe; of which election prior notice shall be given at least fourteen days, by written advertisements, or publication in a newspaper published in Fort Wayne.

SEC. 9. The first election herein contemplated shall be held under the inspection of said commissioners; and all subsequent elections under the inspection of the directors for the time being.

SEC. 10. The said directors shall be chosen by ballot by a majority of the votes given either by the stockholders present or by written proxy from those not present; and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election. The said directors chosen under the provisions of this act shall as soon as may be after their election, proceed to elect one of their number president, and if any vacancy shall happen at any time among the directors, by death or otherwise, such vacancy shall be filled for the remainder of the term by the directors then in office.

SEC. 11. In case it shall happen at any time that an election of directors shall not be made on any day, when in pursuance of this act it ought to have been made, it shall be lawful to hold such election on any other day in such manner as may be regulated by the by-laws of such corporation.

SEC. 12. A majority of the directors shall form a board or quorum for the transaction of all the business of the said corporation, and shall have power to prescribe and make such by-laws and regulations not repugnant to the laws and constitution of the United States, or of this State, as shall appear to them needful and proper, touching the management and disposition of the stock, property, effects, &c. of said corporation; and shall have power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem just.

SEC. 13. The stock of said corporation shall be assignable and transferable according to such rules and regulations, as the board of directors may make and establish, and be considered personal property: *Provided*, That no transfer of stock shall be valid until registered in a book to be kept for that purpose by the president, or such other officer as may be appointed by the board of directors; which book shall at all reasonable hours of transacting business be open to the examination of any stockholders or per-

son having any demand against the corporation or any member of it, and if any officer of the company having charge of such book shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of one hundred dollars, one moiety thereof to the Allen [county] Seminary and the other moiety to the person who shall sue for the same, by action of debt in any court of record together with costs of suit.

SEC. 14. The directors shall at all times keep or cause to be kept at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation, which books shall at all times be open to the inspection of the stockholders of said company; and the said stockholders shall each be held responsible to all creditors in his individual capacity in proportion to the amount of his stock by suit in equity or otherwise on a failure of a sufficiency of property belonging to said corporation, and provided that said corporation shall at no time be indebted to a greater amount than double the stock sold and held.

SEC. 15. The directors shall have power to receive and by a due course of law, to collect all subscriptions in writing for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to recover ten per centum damages on any instalment of stock, which shall not be paid pursuant to the requisitions of the said board, or the board may in their discretion, after failure to pay any instalment of stock as required, declare the part of said stock before paid in, on said share forfeited to the use of the company: *Provided*, That notice of the requisition, shall be given by said directors, by written advertisements, posted up at five of the most public places in said county and also by publishing such notice in a newspaper, if there be one published in said county, at least twenty days before such instalment may be payable, specifying the amount thereof, and when due.

SEC. 16. The corporation hereby created shall not engage in any banking business whatever.

SEC. 17. This charter is hereby limited to the term of forty years from and after the first day of March, eighteen hundred and thirty-six.

SEC. 18. This act shall be, and the same is hereby declared a public act, and shall take effect and be in force from and after its passage.

CHAPTER LXV.

AN ACT to incorporate the Lawrenceburgh and Harrison Turnpike Company.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Godly, John Moore, William Purcel, George H. Dunn, Jesse Hunt, Ezra Guard and Jacob Dennis and their successors in office, duly elected as hereinafter directed, are hereby constituted a body politic and corporate, and by the name and style of "the President and directors of the Lawrenceburgh and Harrison Turnpike Company," shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, in any and all courts whatsoever; to make and use a common seal, and the same to alter or change at pleasure; and shall be able in law, to make contracts and enforce the same; and to make and enforce the necessary by-laws, rules, and regulations, to enable them to carry into effect the provisions of this act, and the objects contemplated by the same, not inconsistent with the laws and constitution of this State.

SEC. 2. The capital stock of said corporation shall be sixty thousand dollars divided into shares of twenty-five dollars each, with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. The directors in this act named, or a majority of them, shall meet at such time and place as they may agree on, and organize said corporation, by electing one of their body president, and after such organization, any five of said board shall be a quorum to do business.

SEC. 4. The corporation shall have power to appoint agents, clerks, treasurers, surveyors, engineers, superintendents, artists, and all other persons and officers necessary to carry into effect this act. They shall keep a journal of their proceedings in which shall be entered all by-laws, and regulations, and all orders for the payment of such allowances, as may be made to their officers and all others in their employment; which journal and proceeding shall from time to time be signed by the president. They may sit on their own adjournments, or on the call of the president; when the president is absent they may appoint a president *pro tempore*. They shall fill all vacancies that may happen in their own body.

SEC. 5. The corporation shall cause books to be opened for subscription to the capital stock, at such time and at such places as they may choose, due notice of which shall be given in some public newspaper in this State; in each of which books the following entry shall be made: "We the undersigned, promise to pay the sum of twenty-five dollars for each share of stock set opposite our names, in such manner and proportions, and at such times as the president

and directors of the Lawrenceburgh and Harrison Turnpike Company may direct. Witness our hands this day of

SEC. 6. It shall be lawful for all persons of lawful age, for the agent of any corporate body, to subscribe for any amount of the capital stock, and the said corporation may by agent offer for sale in any other State, any amount of stock, upon such terms and conditions as may be thought advisable, and they shall have power on their own credit, to borrow money upon such terms as may be agreed upon by the parties. The corporation may require such sum of money to be paid at the time of subscribing, not exceeding five dollars on each share, as they may think proper; but the amount required shall be made known at the notice for opening the books; and any future payments on the stock shall be under the control of the corporation.

SEC. 7. As soon as one thousand shares are subscribed for, and five dollars paid on each share it shall be the duty of the corporation to give three weeks notice thereof, in some public newspaper of this State; and in such notice appoint a time and place for the stockholders to meet and elect seven directors, who shall be stockholders and citizens of this State, and which election shall be by ballot, and conducted under the superintendance of one inspector and two judges, appointed by the stockholders present; and the persons having the highest number of votes shall be declared duly elected: in all elections each share, from one to five, shall entitle the holder to one vote, and every additional five shares, one vote only; to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, trustee or guardian, or by the agent of any corporation; or any person having a right to vote may vote by proxy.

SEC. 8. It shall be the duty of the directors elected as above, and those elected at all subsequent elections to elect one of their own body to be president. The president and directors thus elected shall continue in office until the next annual election, and until their successors are elected and qualified.

SEC. 9. All elections after the first, shall be on the first Monday of January annually, under the direction of the stockholders present, of which election notice shall be given, but shall no election be held on the day appointed by this act, or by the directors of the first election, it shall be lawful to hold the election on any other day.

SEC. 10. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and countersigned by the clerk. The stock shall be transferred on the books of the corporation only, personally or by agent or attorney, or by the administrator, executor, trustee or guardian, but such stock shall be at all times held by the corporation for any dues from the holder thereof to the corporation, or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 11. The corporation shall have power to call for such portions of the stock subscribed, not exceeding twenty five per cent, every six months, as they may think proper, to be paid at such time and place as they may designate by giving sixty days notice thereof, in some newspaper of this State, or by giving written notice to the stockholders in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition within ten days after the time named for such payment, the corporation may bring suit against such delinquent for the amount due and called for, in any court of competent jurisdiction, and recover the amount with interest thereon at the rate of ten per cent, per annum; and if the amount cannot be made on execution or if such delinquent is out of the State, then the corporation may by an order on their books, declare such stock forfeited to the corporation with whatever amount may be paid thereon; and no such delinquent before the forfeiture of his stock, shall have the right to vote for directors, or receive any dividend on his, her, or their stock until the corporation is fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper, for the faithful performance of their respective duties.

SEC. 12. The corporation shall have power by themselves or agents, to examine, survey, and locate a turnpike road from Lawrenceburgh in the county of Dearborn, to the town of Harrison, in the same county, by the way of Col. Decker Croziers, thence on the most practicable route to the town of Harrison, and the said corporation shall have power to locate said route upon the most eligible and suitable ground, the same to be not more than eighty feet in width.

SEC. 13. And for the purpose of making such examination and location, it shall be lawful for the corporation, by their agents or persons in their employ, to enter upon any land to make surveys and estimates, and for the purpose of searching for stone, gravel, wood, or other materials necessary for the construction of said road; but no stone, gravel, or other material, shall be taken away from any lands without the consent of the owner thereof, until the rate of compensation shall be ascertained and paid.

SEC. 14. It shall be lawful for the corporation either before or after the location of said road to obtain from any person or persons, through whose land the same may run a relinquishment of so much of said land as may be necessary for the construction of said road, as also the stone, gravel, timber and other materials that may be obtained upon said routes, and may contract for stone, gravel, timber and other materials that may be obtained from any lands near thereto; to receive by donations, gifts, grants, or bequests, lands, monies, labor, property, stone, gravel, wood, or other materials for the benefit of said corporation; and all such contracts, relinquishments and donations, gifts, grants, or bequests, made and entered into in writing by any person or persons able in law to contract, made in consideration

of such location, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, in any court of competent jurisdiction to compel a compliance thereto: *Provided*, That all such contracts, relinquishments, donations, gifts, grants, &c. shall be made in writing by the party making the same.

SEC. 15. That in all cases where any person through whose land the road may run, shall refuse to relinquish the same, or where a contract between the parties cannot be made, it shall be lawful for the corporation to give notice to some justice of the peace, in the said county of Dearborn, and such justice shall thereupon summon the owner of such land to appear before him on a particular day, within ten days thereafter, and shall summon a jury of twelve men, or less number, if agreed to by the parties, who shall after taking an oath faithfully and impartially to assess the damage if any, view the lands or materials; and after taking into consideration the advantages as well as the disadvantages the road may be to the same, report thereon, whether such person is entitled to damages or not, and if so, how much, and shall file such report with the justice; whereupon such justice shall enter judgment thereon, unless for good cause shown; and in case either party shall show a sufficient cause why judgment shall not be entered, the justice may grant a review of the premises, either with or without costs: *Provided*, Either party may, at any time after the rendition of such judgment, appeal to the Circuit Court, as in other cases; and such court may confirm the judgment of such justice, or appoint reviewers as above directed, who may report at that or the succeeding term, in the discretion of the court; and the judgment of the Circuit Court shall be final when rendered.

SEC. 16. And in all cases where the owner or owners of such land or materials shall be minors, insane persons, or reside out of the county where such land may be, such justice shall cause three notices of the application made, and of the day fixed for the appointment of viewers, to be posted up in three of the most public places in the county, and if no person shall appear on the day named in such notice, he shall proceed as if such person or persons had been duly notified to attend; and on such judgment being rendered, and the corporation complying therewith by the payment of costs and damages that may be awarded against them, shall be seized of the lands or materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 17. If it shall be found necessary, the corporation shall have the right to lay said road along and upon any state or county road: *Provided, however*, Before such location shall be made, the corporation shall procure the consent of the county commissioners of the said county of Dearborn for such right, and the said county commissioners are hereby vested with power to grant or refuse to said corporation such right, and shall enter the same on the records of said

county: *Provided*, That nothing herein contained shall be so construed as to prevent said road from crossing any state or county road.

SEC. 18. That when said corporation shall have procured the right of way, as herein provided, they shall be seized in fee simple of the right to such land, and shall have the sole use and occupancy of the same, for the purposes aforesaid: and no person, body corporate or politic, shall in any way interfere with, molest, injure or disturb any of the rights and privileges granted.

SEC. 19. The corporation shall commence the construction of said road within three years, and complete the same within ten: *Provided, however*, That if five miles of said road shall be completed within the time aforesaid, the charter shall not be forfeited as to that part of the road so completed.

SEC. 20. The corporation shall cause said road to be opened not exceeding eighty feet wide, at least twenty feet of which shall be an artificial road, composed of stone, gravel or other suitable materials well compacted together in such manner, as to secure a firm, substantial, and even road, rising in the middle with a gradual curve, and shall maintain and keep the same in good repair and in no case shall the ascent in the road be greater than an elevation of ten degrees.

SEC. 21. If said road after the completion thereof, shall be suffered to go to decay, or be impassable for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 22. So soon as said corporation shall have completed said road, or any five miles thereof, agreeably to the provisions of this act, they may erect a gate or gates at suitable distances apart, not less than five miles, and demand and receive of persons travelling said road, the tolls allowed by this act.

SEC. 23. The following shall be the rates of tolls for each and every ten miles of said road, and in the same proportion for a greater or less distance, to wit: for every four wheel carriage, wagon, or other vehicle, drawn by one horse or other animal, a sum not exceeding eighteen and three quarter cents; for every horse or other animal, in addition, six and one quarter cents; for every cart, chaise, or other two wheeled carriage or vehicle, drawn by one horse or other animal, not exceeding twelve and one half cents; for every horse or other animal in addition, six and one quarter cents; for every sled or sleigh, drawn by one horse or other animal, six and a quarter cents; for every horse or other animal, in addition, six and a quarter cents; for every coach, chariot, or other four wheeled pleasure carriage, drawn by one horse or other animal, not exceeding eighteen and three quarter cents; for every additional horse or other animal, six and a quarter cents; for every horse and rider, not exceeding six and a quarter cents; for every horse, mule, or ass, six months old and upwards, led or drove, not exceeding three cents; for every head of neat cattle six months old and upwards, one cent; every hog or sheep, a half cent each; *Provided*, That all persons

going to or returning from public worship, and all funeral processions, shall pass said road free of toll.

SEC. 24. If any person or persons using said road, shall, with intent to defraud said company, or evade the payment of toll, pass through any private gate or bars, or along any other ground near to any turnpike gate, which shall be enclosed pursuant to this act, or shall practice any fraudulent means, with intent to evade or lessen the payment of such tolls, or if any person shall take another off said road, with intent to defraud said corporation, each and every person concerned in such fraudulent practice, shall, for every such offence, forfeit and pay to the corporation the sum of five dollars, without any stay of execution, to be recovered with costs of suit in an action of debt, at the suit of the corporation, before any justice of the peace of the county: *Provided*, That nothing in this act shall be so construed, as to prevent persons residing on said road, from passing thereon, about their premises, for common and ordinary business.

SEC. 25. The company shall put a post of stone at the end of each mile, with the number of miles from either extremity fairly cut or painted thereon, and also in a conspicuous place near each gate shall be placed a board, with the rates of toll fairly painted thereon, and all other necessary matter in relation to direction.

SEC. 26. Any person wilfully or maliciously destroying, defacing or removing any guide board, mile post or stone, or list of rates of toll erected on said road, shall on conviction thereof, before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars to be recovered with costs of suit in an action on the case, at the suit and for the use of the corporation.

SEC. 27. If any toll gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence forfeit and pay a sum not exceeding ten dollars, to be recovered before any justice of the peace having competent jurisdiction, within twenty days after the occurrence.

SEC. 28. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said roads, or any section thereof, with all incidental expenses, and also a fair account of the tolls received, and the books of said corporation shall always be kept open for the inspection of any stockholder or creditor of said company, and the said company may at any time dispose of the stock to the state at a rate of interest on the money actually paid in or expended about said work, of ten per centum per annum.

SEC. 29. It shall be lawful for the county commissioners of Dearborn county, for and on behalf of said county, to authorize by an order, as much of the stock to be taken as they may think proper.

SEC. 30. And the said company, hereby incorporated are fully authorised and empowered, within five years from the taking effect of this act to erect a good and substantial safe bridge across White Water River, near the town of Harrison, where said road crosses that riv-

er, and should said bridge be erected within the time aforesaid, this charter shall not be forfeited as to said bridge.

SEC. 31. Whenever the said bridge shall be completed, the said corporation may erect a gate at either end of said bridge, and demand and receive a toll not exceeding the following rates, to wit: every four wheeled pleasure carriage, drawn by two horses, twenty-five cents; if drawn by four horses, thirty-one cents; every two wheeled pleasure carriage, ten cents; every wagon or cart, drawn by two horses or oxen, nineteen cents; and if drawn by four horses or oxen twenty-five cents; each sled or sleigh, and two horses or other animal, ten cents; every one horse cart, wagon, sleigh or cutter, eight cents; every man and horse, six cents; every foot passenger, three cents; every horse, jack, mule, or head of neat cattle two cents; ever sheep or hog, one cent. But all persons going to and returning from public worship, and all funeral processions shall be exempt from paying toll.

SEC. 32. This charter is hereby limited to fifty years in its duration.

SEC. 33. Should it be deemed expedient hereafter to construct a rail road or other line of communication from or near the said town of Harrison, to the said town of Lawrenceburgh, by the State, pursuant to the provisions of an act of the present session entitled, "an act to provide for a general system of internal improvements," the State hereby retains the power to construct such rail road or other communication, upon any part or the whole of the line for the road contemplated by this act, without said corporation being thereby entitled to any damages or compensation for such interference.

SEC. 34. This act to be in force from and after its passage.

CHAPTER LXVI.

AN ACT to amend the act, entitled "An act to incorporate the Lexington Steam Mill Company," approved February 7, 1835.

(APPROVED JANUARY 26, 1836.)

Whereas by the provisions of the act to which this is an amendment, the commissioners appointed in the second section thereof were required to open books for subscription to the capital stock of said company at the court house in Lexington, on the first Monday in April, 1835; and

Whereas the laws of last session of our Legislature were not deposited in the clerk's office in the county of Scott until after the first Monday in April, aforesaid, so as to authorize the commissioners to act in the premises. For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,*

That the commissioners appointed to superintend the subscription to the capital stock of said company, be, and they are hereby authorized, to open books for that purpose, at the court house in Lexington, on the first Monday in March next, or at such time thereafter, that any three or more of them may agree upon; and that they, in all other things, shall be governed by the provisions of the act to which this is amendatory.

SEC. 2. *Be it further enacted,* That James V. White and Elisha G. English, be, and they are hereby, appointed commissioners, in place of James Goodhue and Isaac Trumbo, removed from the county, two of the commissioners named in the second section of the act to which this is an amendment.

This act to take effect and be in force from and after its passage.

CHAPTER LXVII.

AN ACT to incorporate the Salem Savings Institution.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Beebee Booth, Benoni Morris, William Phelps, Samuel Peck, Burr Bradley, Eli W. Malott, Woodbridge Parker, Hiram Malott, John F. Keys, Jeremiah Rowland, Elijah Newland, John Gordon, William Gordon, Hugh M'Pheters, Andrew Weir, James Weir, David F. Weir, Townshend Cutshaw, John E. Clark, David G. Campbell, Isaac Thomas, Micah Newby, Edmund Newby, John M'Mahon, Thomas Cooley, John Kingsbury, Andrew Gelwick, W. W. Wade, Mark O'Neil, James Coffin, Marmaduke Coffin, Amos Amsden, Thomas Forsey, Elias Forsey, John Currey, Isaac Chase, R. W. Vermilya, Jonathan Lyon W. H. Carter, Joseph Hoggatt, Alexander Hinkle, Henry G. Mauzee, John J. Morrison, William Brazleton, James Hammersley, Stephen Hole, Randolph Schoonover, Martin M'Donald, John E. Rowland, William Baird, John De Pauw, James Dixon, John Nixon, Joseph Cadwalleder, John Aton, Aaron Walker, Jeremiah Payne, William Rodman, Adam Cobble, William Lindley, Benjamin Albertson, Samuel Denney, Elisha Denney, Samuel Moore, Richard Lockwood, Ezekiel Blanchard, John Fultz, and Jacob Hatterbau, and their associates be, and the same are hereby created and made a body corporate and corporation [politic] for the term of fifty years, who shall by the name and style of "the Salem Savings Institution, be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity or in any other place whatever; and to receive and make all deeds, transfers, con-

tracts, covenants, conveyances and grants whatsoever, and generally to do any other act and thing necessary to carry into effect the provisions of this act and to promote the object and design of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations under the direction of Eli W. Malott, Hugh M'Pheeters, Micah Newby, Beebee Booth, David G. Campbell Thomas Forsee, John Mc'Mahan, Jonathan Lyon, John Curry, Edward Newby, and William H. Carter, or any five of them, whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in the newspaper published in the said town of Salem and it shall be the duty of the persons, or corporations taking stock to pay, at the time of subscribing for the same, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meeting, once in each year at such time and place as may be designated by the individuals named in the second section of this act and by the directorsthat may hereafter be appointed or elected, who shall at such meetings have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place for the election of directors, as also the number to be elected not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promoting of the interest of said company.

SEC. 4. That the individuals named in the second section of this act shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Salem Savings Institution and Insurance Company shall, at their first meeting after the passage of this act, and at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by said company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem. they shall fill all vacancies which may occur in their own body, who shall hold their offices until the next annual election, and until their successors be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compen-

sation, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the [three] stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed to elect their directors, it shall be lawful for them to meet on some other day under the provision of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual election, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being, shall order and direct, and a majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, no such dividend shall be paid on any stock that has not been fully paid, but shall be placed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they shall prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed and taken, and the board of directors organized, the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, refuse or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corpor-

ation, either in person or by writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and at such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contracts on the demand of the depositor, and on failure to do so shall pay an interest of ten per centum per annum from the time of such demand until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require, or they may discount or loan the same on real or personal security: for such periods of time and under such restrictions and limitations, as the directors thereof for the time being, shall deem prudent and for the best interest of the company: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandize, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, except to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except such as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged, pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above so soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said corporation shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and to make insurance on life or lives; and to take all kinds of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other papers or writing, which may be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatever of discounting or engaging to discount any note or draft unless the same be presented at their counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied on the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return of such execution of '*no property found*' or not a sufficiency of property to satisfy said execution, then and in that case the individual property of each of the corporators who were stockholders at the time the debt demand or liability accrued, shall be held for said debt to the amount of his, her, or their stock and no further, but no execution shall issue against any stockholder in their individual character until a *scire facias* shall be issued against and served on them to appear and show cause if any they can, why execution shall not go against them, and upon such trial, the stockholder may be permitted to plead that he was not a stockholder at the time of contracting such debt, demand or liability, or that the corporation was not liable for said debt, or any other legal cause of defence.

SEC. 18. No person shall be a director or officer of the institution, who is a director of any branch of the state bank of Indiana.

SEC. 19. The directors shall at no time be allowed to borrow money out of any branches of the state bank, in their corporate capacity.

SEC. 20. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all the matters relative thereto.

SEC. 21. *Be it further enacted by the General Assembly of the state of Indiana, That Lot Bloomfield, Miers Seaton, Jesse Williams, Caleb Jackson, John E. Dunham, John Hutchison, Samuel Hannah, Frederick Snider, Israel Abrahams and John Jimison, of the county of Wayne and state of Indiana and their associates and successors in office be, and are hereby created and made a body corporate and politic for the term of twenty years from and after the first day of May next; who shall by the name and style of "the Centreville Insurance and Savings Institution" of Wayne county Indiana, be able and capable in law by such name and style, to purchase, hold and dispose of property and by such name and style, sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity, and in any other place whatever; and to receive and make all deeds, transfers, contracts, covenants, conveyances and grants whatever; and generally to do any other act and thing necessary to carry into effect the provisions of this act, and to promote the object and design of this corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.*

SEC. 22. *The capital stock of said Centreville Insurance and Savings Institution shall be fifty thousand dollars, and shall be divided into shares of twenty five dollars each, to be subscribed and paid for by any individuals, companies or corporations, upon a day or days to be fixed and agreed upon by the directors or their successors in the twenty first section of this act mentioned; and a notice of which shall be given by said directors and their associates or successors or a majority of them, in some newspaper printed in the said county of Wayne, for three weeks before opening said books for the subscription of stock; and it shall be the duty of the persons or corporations so subscribing stock as aforesaid, to pay, at such time as may be agreed upon by the said directors upon such subscriptions, at least one dollar on each share which may have been subscribed.*

SEC. 23. *That all the provisions of this act, in relation to the Salem Savings Institution shall be, and the same hereby extended to the Centreville Insurance and Savings Institution, as fully to all intents and purposes as if the same were again repeated herein. And the said Centerville Insurance and Savings Institution shall in all things be governed by and entitled to all the rights and privileges, and subject to all the limitations and restrictions of the same, as fully to all intents and purposes, as the Salem Savings Institution is or can be by this act.*

SEC. 24. *That the individuals named in the said twenty-first section of this act, shall be directors of the said Centreville Insurance and Savings Institution, until others, their successors, are appointed, or elected and qualified, under the provisions of this act; and they shall have and exercise all the powers and privileges, from time to time, that are by this act given and secured to the Salem Savings Institution, and said directors shall in all things be governed and*

guided, in the administration of said corporation, by all the provisions of this act that can be made applicable to the said Centreville Insurance and Savings Institution.

This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

CHAPTER LXVIII.

AN ACT to amend an act entitled "an act to incorporate the Wayne and Union Turnpike Company," approved February 7, 1835, and to incorporate the Rush, Fayette, and Union Turnpike Company.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the office of director, heretofore conferred upon George Hunt, in said company, on account of his removal from the county of Wayne, is hereby declared vacant, Thomas Craner and Joseph Parsnett of the said county of Wayne, and Jeremiah Smith and Ellis Kizer, of the county of Randolph, and their successors in office, are hereby declared additional directors of the Wayne and Union Turnpike Company, who, and their successors in office, when elected, shall have all the rights, privileges and immunities, of any other directors in said company, appointed by the act to which this is an amendment.*

SEC. 2. *That the capital stock of said company be and the same is hereby increased, to the sum of one hundred thousand dollars, and shall be divided into shares of twenty five dollars each, as provided in the second section of on act, to which this is an amendment.*

SEC. 3. *The president and directors, and their successors in office of said corporation, shall at all times hereafter, have full power and lawful authority to examine, survey, mark, and locate the route for the continuation, of said turnpike road mentioned in the act to which this is an amendment, from some suitable point upon the great national road, in the town of Centreville in Wayne county, on the best ground for the interest of the said corporation and the convenience of the public in a northern direction, to the town of Winchester in Randolph county; and when so surveyed and located may at any time hereafter, construct the same, and to effect the aforesaid object, all the rights, privileges and immunities granted to the said Wayne and Union Turnpike Company by the act to which this is an amendment are hereby granted to said corporation, which company shall in all respects be governed by the said act to which this is an amendment, in the surveying locating and constructing said road.*

SEC. 4. *That Jefferson Helm, William McClary, John W. Barber, and John Blackidge of the county of Rush, William Russell,*

Calvin Smith, George Frybarger, Abraham Lyons, and William Simpson, and Samuel Rees, of the county of Fayette, and Adam Mason, William Youse and James Boyd, and Archibald Estep of the county of Union, and their successors in office, are hereby appointed a body politic and corporate, and by the name and style of "the president and directors of the Rush, Fayette and Union Turnpike Company; shall be able and capable in law and equity to sue and be sued, plead and be impleaded, in any and all courts of justice whatever, to make and use a common seal, and shall be able to make contracts and enforce the same, and to make and enforce the necessary by-laws, rules and regulations, to enable them to carry into effect the provisions of this act.

SEC. 5. The capital stock of said company shall consist of four hundred thousand dollars, divided into shares of sixty dollars each.

SEC. 6. The said corporation shall at such time as they may deem expedient, open books for the subscription to the capital stock of said company; and the said corporation shall have all the rights, powers and privileges given to the president and directors of the Wayne and Union Turnpike Company, by an act, entitled, "an act to incorporate the Wayne and Union Turnpike company, and the Brownsville and Centreville turnpike company, approved February 7, 1835, for the purpose of constructing a turnpike road from Rushville, via Connerville and Brownsville in Union county to Liberty, and shall be governed by the same restrictions and provisions contained in the above recited act, in all things whatever.

SEC. 7. This act to be in force from and after its passage.

CHAPTER LXIX.

AN ACT to authorize the inhabitants of Newtown, in Fountain county, to become incorporated.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the town of Newtown, in Fountain county, are hereby authorized to meet at the school house in said town, on any day previous to the first Monday in March next, and proceed to incorporate themselves under the "act provided for the incorporation of towns," approved February 10th, 1831, in the same manner as if said meeting was held on the first Monday in March last: *Provided*, That three days' notice of the time and place of said meeting shall be given by written advertisements set up at three of the most public places in said town, signed by not less than three qualified voters of said town.

SEC. 2. That if the qualified voters of said town, shall decide, at

the meeting to be holden as aforesaid, that they wish to become a corporate body, they may on the next succeeding Monday elect trustees according to the provisions of the above recited act; and such trustees when so elected, shall be vested with all the powers given to trustees in pursuance of said act, and shall in all respects be governed by the same, and shall hold their offices until the first Monday in March 1838, and until their successors are elected and qualified.

This act to be in force from and after its publication in the Indiana Journal.

CHAPTER LXX.

AN ACT to incorporate the Clark county Trading and Manufacturing Company.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Bentley, Samuel Prather, John Austin, John Shelby, John C. Parker, Thomas Stevens, Christopher Cole, John M. Russell, Benjamin Ferguson, John W. Long, and James Sharpe, together with such other persons, who may associate for the purpose of prosecuting the manufacturing, exporting and importing business within this State, to be established and located at or near the town of Charlestown, Clark county, Indiana, be and the same are hereby obtained, constituted and declared to be a body politic and corporate, to all intents and purposes, to be known and designated by the name of "The Clark county Trading and Manufacturing Company," by which name, they and their successors and assigns, shall have continual succession, and be entitled to all the privileges and immunities of the laws of this State, as a body politic or corporate, such as contracting and [being] contracted with, suing, and if necessary being sued, pleading and being impleaded, defending and being defended, in any court of competent jurisdiction, and that they and their successors may have a common seal, and may make and alter the same at pleasure; and that they and their successors, as a body corporate by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may by them be deemed necessary to the prosecution of their designs as aforesaid; and the said corporation as herein described, shall exist for the term of fifty years from and after the passage of this act.

SEC. 2. That the capital stock of said corporation shall consist of one hundred thousand dollars, consisting of shares of one hundred dollars each; that it shall nevertheless be lawful for said corporation, so soon as ten thousand dollars shall have been subscribed, to

commence their business, and they shall then be entitled to all the privileges of extending the amount of the capital stock by subscription till it amounts to one hundred thousand dollars, as the interest or business of said corporation may require; and that the aforesaid James Bentley, John Austin, Samuel Prather, John Shelby, John C. Parker, Christopher Cole, Thomas Stevens, John Russell, Benjamin Ferguson, John W. Long, and James Sharpe or any four of them, are hereby constituted commissioners, and as such are hereby authorized to open and receive subscription to said stock, at such places and times as they may deem expedient after the passage of this act, which subscriptions shall be paid at such time and in such manner as the board of directors shall order and direct.

SEC. 3. That as soon as ten thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of five directors, who shall have the whole management of the stock, property and concerns of said corporation. Said commissioners shall give at least fifteen days public notice previous to holding said election, by posting up notice thereof in three of the most public places in the county of Clark. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected, and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy from those not present, and each stockholder shall be entitled to one vote for each and every share he may hold in the capital stock of said corporation at the time of such election; which election shall be held in Charlestown, and annually from the date of the first election. The said commissioners shall act as judges and managers of said first election, but at each subsequent election the acting directors shall act as judges, and shall manage and conduct said elections; and said directors shall elect one of their number to act as president of the said board of directors, and in case of vacancy of one in said board, by death or otherwise, the remainder of the board shall have power to fill the said vacancy; but if a vacancy of two or more shall occur, the remaining board shall proceed to order an election to fill said vacancies.

SEC. 4. In case it should happen at any time, that an election of directors should not be made on any day when in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold an election for directors, in such manner as shall be regulated by the by-laws and ordinances of said corporation.

SEC. 5. A majority of the directors shall form a quorum capable to transact the business of said company, and may enact such by-laws, rules, and regulations, as they may deem expedient for the government of said corporation: *Provided*, they be compatible with the laws and constitution of this State and the United States. The said di-

rectors shall have full power and authority to put into operation all the designs contemplated in this charter.

SEC. 6. The stock of said corporation shall be considered as personal property and shall be assignable agreeably to such rules and regulations as the board of directors may at any time, make and prescribe; *Provided*, That no transaction in the capital of said stock shall be valid, until the same shall be entered as a matter of record on the books of said company nor till all or any claims which said company may have against said stockholder, shall be liquidated.

SEC. 7. The directors shall have power to receive and by due course of law to collect all subscription in writing, for the purpose of raising the funds necessary to carry into effect the object of said corporation, and shall be entitled to receive ten per centum damages on any instalment of stock, which shall not be paid pursuant to the requisitions of the board, or the board may in their discretion after failure to pay any instalment of stock as required, declare the part of said stock before paid in on said share, forfeited to the use of the company: *Provided*, that notice of such requisition shall be given by said directors, by written advertisement posted up at five of the most public places in said county of Clark, at least thirty days before such instalment may be payable, specifying the amount thereof [and] when due.

SEC. 8. The corporation shall require of all officers and others in their employ, bonds with security to their acceptance, with such penalties as they may think proper for the faithful performance of their respective duties.

SEC. 9. That said directors shall appoint one secretary, and one treasurer, who shall report to said board of directors at least every six months, and as much oftener as said board may deem proper; said treasurer shall if required by said board of directors, give such security as they may deem sufficient; and said secretary shall keep the books of said company, in such a manner that at any time they will give a full expose of the whole transactions, of the concerns; which books shall at all times be open to the inspection of all stockholders, and that said secretary, upon a refusal thus to display said books, on any of the usual hours of doing business, shall forfeit and pay any sum not exceeding one hundred dollars, one moiety thereof to the informer and the remainder to the use of the corporation, to be recovered by action of debt before any justice of the peace or other court in Clark county.

SEC. 10. This corporation shall not in any respect whatever, act or be engaged in any species of banking business, or issuing any bills of credit in the form of bank notes.

SEC. 11. Said corporation shall not at any time hold real estate to a greater extent than five hundred acres, without the limits of a town, nor more town lots than are absolutely necessary for conducting their trading and manufacturing business.

SEC. 12. On a return on any execution of no property found or not sufficient property to satisfy the same, issued against said corpor-

ation, a *scire facias*, may issue against any one or more persons, who were stockholders thereof at the time the liability accrued, on which the judgment was rendered, for the satisfaction of which, such execution was issued; and if on such *scire facias*, such stockholder or stockholders shall fail to show good cause to the contrary, execution may be awarded from time to time against him, her or them, in the same manner as if he, she or they were individually liable, until such judgment is satisfied; but no greater amount shall be made of any such stockholder, than the amount of stock by him or her subscribed for, or held at the time such liability accrued or execution levied: *Provided*, however that if any school funds should be vested in the stock of said company, they shall not be liable for the debts of the company, to a greater extent than the stock held by the trustees or commissioner of such funds.

SEC. 13. That this act shall be, and the same is hereby declared to be a public act for the purposes herein specified, and shall take effect and be in force from and after its passage.

CHAPTER LXXI.

AN ACT to incorporate the Vincennes Manufacturing Company.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Hall Neilson, John Law, and Abner T. Ellis, together with such other persons who may associate for general purposes of manufacturing, but more especially of paper, cotton, wool, hemp, flax, lumber and such other articles as may be deemed expedient within this state, to be established and located at or near the borough of Vincennes, and State of Indiana, and their successors be, and the same are hereby ordained, constituted and declared a body politic and corporate, to all intents and purposes, to be known and designated by the name and style of "the Vincennes Manufacturing Company" and by that name and style may sue and be sued, contract and be contracted with, have and use a common seal, and the same to change at pleasure; and that they and their successors, as a body corporate, by the aforesaid name, shall be competent and capable of purchasing, holding, using and conveying any property or estate whatsoever, real or personal, that may be deemed necessary to the prosecution of their designs as aforesaid, and shall have power to make by-laws rules and regulations for the good government of said company, its officers and concerns, not contrary to the constitution and laws of this State, or of the United States: *Provided however*, that the real estate owned by said company either by legal or equitable title shall be no more than what may be sufficient for the conduct of its business.

SEC. 2. The capital stock of said company, shall not be less than twenty thousand dollars, nor exceed two hundred thousand dollars, consisting of shares of one hundred dollars each, and that the aforesaid Hall Neilson, John Law, and Abraham Ellis, or either of them, are hereby constituted commissioners, and as such are hereby authorized to open and receive subscriptions to said stock, at such places and times as they may deem expedient, after the passage of this act, which subscription shall be paid at such time, and in such manner, as the board of directors shall order and direct.

SEC. 3. That as soon as twenty thousand dollars shall be subscribed to the capital stock of said company, the aforesaid commissioners shall proceed to order an election of not less than three, nor more than five directors at their discretion, who shall have the whole management of the stock, property and concerns of said corporation; Said commissioners shall give at least fifteen days previous notice to holding said election, by advertisement in some newspaper printed in Vincennes. The said directors shall be chosen by ballot from among the stockholders, and shall hold their office for one year from the time of their election, and until their successors shall be elected and no longer; and they shall be elected by a majority of the votes given, either by the stockholders present, or by written proxy from those not present, each stockholder being entitled to one vote for every share up to the number of fifteen; one more vote for every five shares above fifteen to one hundred inclusive; and to one for every twenty shares over and above one hundred. The said commissioners shall act as judges and managers of said first election; but at each subsequent election the acting directors, having given like notice, shall act as judges, and manage and conduct said elections, and said directors shall elect one of their number to act as president of said board of directors; and fill all vacancies occurring in their own body, or any office of said corporation.

SEC. 4. A majority of the directors shall form a quorum capable to transact the business of said company. The said directors shall have full power and authority to put into operation all the designs contemplated in this charter; call special meetings of the stockholders; appoint such officers and clerks as the stockholders, in general meeting, shall authorize; take bonds with sufficient security for the good conduct, fidelity and attention of such officers and clerks; and to do all other acts and things touching the affairs of the company, not otherwise specially provided for.

SEC. 5. The said directors shall have full power and authority, at any time, to receive, and by due course of law, to coerce the collection of any and all subscriptions to the capital stock of said corporation, together with all costs of suit, in any court of competent jurisdiction, subject however to the direction of the stockholders.

SEC. 6. A general meeting of said company shall be held, at least once in every year, at such time and place, as shall be prescribed in its by-laws. The presence of a majority of the stockholders in

interest, in person or by proxy, shall be necessary to the transaction of business at such meetings; but a smaller number may adjourn from time to time. The stockholders, or a majority of them in interest, may, from time to time, enlarge the capital stock of said company by selling, or ordering their president and directors to sell shares therein, at such time, in such manner, to such amount, and at such price or prices as they, in general meeting, may direct, until the capital stock shall reach the maximum amount aforesaid; and upon such additional stock being taken, the owners thereof, shall, to all intents and purposes, be members of said company hereby incorporated; and any premiums obtained on said stock shall be the common property of all the stockholders, in proportion to the capital stock owned by them respectively.

SEC. 7. The stock of said company shall be deemed personal estate, and pass as such to the representatives of such stockholder, and may be transferred, and certificates thereof issued, in such manner and form, as the president and directors, or the stockholders in general meeting, shall from time to time direct: *Provided*, That nothing herein contained, shall be so construed as to prevent the said company from selling and conveying any part of such real estate as they may hold, and may hereby be incorporated into stock and declared personal property; or to authorize the conveyance of such real estate when sold or disposed of in any other manner, than that prescribed by the laws of this state, for the conveyance or disposal of real estate; and when it is so sold and conveyed from being considered real estate.

SEC. 8. That the stockholders of said corporation shall severally be responsible in their individual capacity for the amount of their respective subscription to said stock and no further; *Provided*, That if said company should, at any time, fail or become insolvent, and its property and effects shall not be sufficient to liquidate all just and legal debts, dues and demands, and that said directors shall have been found guilty of violating any part of the letter or spirit of this charter, or should any agent be found transcending the orders of said directors, in either case such directors or agents shall become responsible to the full amount of such failure or insolvency, otherwise their respective responsibilities shall be on equal footing with other stockholders.

SEC. 9. The said board of directors shall cause to be kept books in such a manner that, any time, they will give a full expose of the whole standing, transactions, and state of the concerns of said company, which books shall at all times be open to the inspection of all persons concerned, in any respect, with said company, either as stockholder or creditor of said company; and at such annual meeting of the stockholders to make a complete exhibit of the same.

SEC. 10. This corporation shall not, in any respect whatever, act or be engaged in any species of banking business or issuing any bills of credit as a circulating medium.

SEC. 11. This act shall be in force for fifty years from and after its passage, and the same, is hereby declared to be a public act for the purposes herein specified and shall be liberally construed for all beneficial purposes.

CHAPTER LXXII.

AN ACT to incorporate the Leavenworth Savings Institution.

(APPROVED FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Zebulon Leavenworth, John L. Smith, Elam Willey, Seth M. Leavenworth, Abraham Edwards, Isaac Sands, James W. Fox, and Lebbeus Frisbie and their successors in office, duly appointed or elected as hereinafter directed be and the same are hereby made a corporation and body politic for the term of fifty years, who shall by the name and style of "the Leavenworth Savings Institution, be able and capable in law to hold and dispose of property as hereinafter provided; and to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended in any court of law or equity or in any other place whatever; and to receive and make all deeds, transfers, contracts, conveyances and grants whatsoever, and generally to do any other act and thing necessary to carry into effect the provisions of this act and to promote the object and design of the corporation; and shall have power to make and use a common seal, and the same to change and renew at pleasure.

SEC. 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations under the direction of the above named persons whose duty it shall be to give three weeks notice, of the time and place of opening books of subscription, in some newspaper published in this State; and it shall be the duty of the persons, or corporations taking stock to pay, at the time of subscribing, one dollar on each share for which they shall subscribe.

SEC. 3. That the stockholders shall meet together, in general meeting, once in each year at such time and place as may be designated by the above named individuals and by the directors that may hereafter be appointed or elected, who shall at such meetings have power to pass such by-laws, (not inconsistent with the laws of this State) as to them may seem needful, for the government of the directors, and for the management and disposition of the stock, property, estate, funds, and business of the company. They shall, at their first meeting, appoint the time and place

for the election of directors, as also the number to be elected, not less than five nor more than nine, and do such other business, as to them shall seem proper, for the promotion of the interest of said company.

SEC. 4. That the above named individuals shall be the directors of said corporation until others are appointed or elected and qualified, under the provisions of this act.

SEC. 5. The directors of the Leavenworth Savings Institution shall, at their first meeting after the passage of this act, and at their first meeting after every annual election for directors under the provisions of the same, appoint one of their own body as president thereof, who shall preside at all meetings and sign all contracts entered into by the company, which shall be valid, without a seal, and binding on the corporation; he shall hold his office until the next annual election, and until his successor shall be elected and qualified; and in case of his death, resignation, or absence the board shall appoint a president pro tem, for the time being they shall fill all vacancies which may occur in their own body, who shall hold their offices until the next annual election, and until their successors be elected and qualified. They shall appoint such clerks, secretaries, agents and servants as may be necessary to transact their business; fix their salaries or compensation, and define their powers and duties; and the said officers and servants shall hold their respective situations at the pleasure of the board, under such regulations, restrictions, and limitations as they may prescribe.

SEC. 6. The election of directors shall be by ballot, and a plurality of votes received and counted in public, under the inspection of the [three] stockholders, shall be sufficient to elect. That at every such election, and at all other meetings of the stockholders, under the provisions of this act, each person shall have one vote for each share of stock he may own at the time, and any stockholder not attending such election or other meeting of stockholders, having a right to vote, may vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and should the stockholders fail to meet on the day appointed and elect their directors, it shall be lawful for them to meet on some other day under the provision of their by-laws, and elect said directors, all of whom shall hold their offices one year from the day of their general or annual election, and until their successors shall be elected and qualified.

SEC. 7. The president and directors shall hold their meetings at stated times, under their own regulations, and at such other times as the president, for the time being, shall order and direct, and a majority of the whole number of the directors shall form a quorum; and all questions before the board shall be decided *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, on any proposition submitted, to be entered on the journal of their proceedings, and no vote shall be rescinded by a less vote than was given in favor of the resolution or order at the

time it was adopted or made. They shall, in the first week in January and July of each year, make out and declare such dividends of the profits resulting from their business as shall not impair or lessen their capital stock, and cause the same to be paid to the stockholders: *Provided*, no such dividend shall be paid on any stock that has not been fully paid, but shall be passed to the credit of such stock as part payment thereof.

SEC. 8. Said directors shall make such by-laws, rules, and regulations (not inconsistent with the laws of this State,) as they may deem necessary for the good government of the company, in which they may prescribe the manner in which stock shall be transferred.

SEC. 9. That so soon as four hundred shares are subscribed and taken, and the board of directors organized, the stockholders shall pay and secure to the company the whole amount of their stock, such parts thereof to be paid in cash as the directors may require, and the balance to be secured in a note to the satisfaction of the directors; and if any stockholder shall neglect, refuse or fail to pay and secure the same as above required, within thirty days after being called upon by some one of the directors or servants of said corporation, either in person or by writing left at his usual place of residence, or put in the post office and directed to the town or post office nearest where such stockholder usually resides, he shall forfeit the amount he has already paid, as well as the stock for which he has subscribed; and when the stock of said company shall be paid and secured as above (and not before) the said company may commence business.

SEC. 10. Said company shall receive deposits of gold and silver coin, and bullion and moneys of every description on such terms and at such rate of interest as the parties may agree upon, and shall pay the same out agreeably to contract on the demand of the depositor, and on failure to do so shall pay an interest of ten per centum per annum from the time of such demand, until the same shall be paid; and on judgments recovered on such contracts there shall be no stay of execution.

SEC. 11. That it shall be lawful for said company to invest any part of their capital stock, money, funds or other property in any public stocks or funded debts, or in the stocks of any chartered bank or banks in this or any other State, and the same to sell and transfer at pleasure, and re-invest whenever, and so often as the situation of said company or a due regard to the safety of its funds may require; or they may discount or loan the same on real or personal security: *Provided*, That contracts for interest shall not be at a higher rate than is allowed by law to individuals at the time of such contract.

SEC. 12. Said company shall not use or employ any part of the capital stock, money or other funds, in the purchase of goods, wares, or merchandize, nor shall they emit bills of credit as a circulating medium, nor in any manner engage in the business of banking, ex-

cept to deal in gold and silver coin and bullion and bills of exchange.

SEC. 13. That it shall not be lawful for said company to hold any real or personal estate, except suchs as shall be necessary for the transaction of their business and such as shall be *bona fide* mortgaged; pledged and deeded in trust to them in the transaction of their business, and such as shall be purchased on judgments, decrees or orders, adjudged, decreed or ordered on transactions had with said company, or such as shall have been taken for a debt due to them in the transaction of their business; and said company may proceed on all mortgages, deeds of trust, pledges and other securities for the collection of the same in the same manner that natural persons proceed on such securities for the purpose of converting the same into money: *Provided*, that said corporation shall not hold real estate an unreasonable time, but shall sell all that may be taken as above so soon as they can conveniently turn the same into money, to the amount of the original debt and interest.

SEC. 14. That said company shall have full power to insure all kinds of property against loss or damage by fire or any other risk whatever; and to make insurance on life or lives; and to take all kinds of marine risks whether on the rivers or the seas, and to lend money on bottomry and respondentia; to cause themselves to be insured against any loss or risk they may incur in the course of their business; and to underwrite any foreign or domestic bill of exchange, bond, note, or obligation; and generally to do and perform all other matters and things connected with insurances of every description; in all of which business and transactions the said company may charge such rate of premium or interest as may be agreed upon by the parties.

SEC. 15. That said corporation shall not, at any time, nor under any circumstances, loan money under color or pretence of purchasing any bill of exchange, nor shall they purchase any note of hand or other legal liability, nor issue any certificate of deposit, or any other papers or writing, which can be construed or made to answer the usual purposes for which the notes of the state bank, or its branches, or any other banking institution are designed, or can be made to answer.

SEC. 16. It shall not be lawful for said corporation to place in the hands of any person or persons directly or indirectly any money or bank notes for the purpose of loaning or discounting paper, or under any pretence whatever of discounting or engaging to discount any note or draft unless the same be presented at its counter.

SEC. 17. That in all cases where execution shall issue against said corporation, the same shall first be levied on the goods and chattels, lands, and tenements belonging to said corporation as its joint property, and on a return of such execution of *'no property found'* or not a sufficiency of property to satisfy said execution, and not until then, an other execution may issue, and be levied on the goods and chattels, lands and tenements of each or any stockholder or

stockholders of said corporation, to the amount of stock he or they hold therein, and no further; and of each or any stockholder or stockholders, who were such at the time the debt, demand or liability, on which such execution issues, first accrued against said corporation.

SEC. 18. It shall be the duty of said corporation to report annually to the General Assembly the progress of its business, and all other matters relative thereto.

This act shall take effect and be in force from and after its passage.

CHAPTER LXXIII.

AN ACT to incorporate the Winchester Turnpike Company.

[APPROVED FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Charles Conway, Paul W. Way, Jehu Robinson, Samuel D. Woodworth, Jeremiah Smith, Zachariah Puckett, John Neff, Noah Johnson, John Sample, William Kennon, David Heaston, Smith Elkins, Littlebury Diggs, John Wright, (Judge) Robinson M'Intyre, James Griffie, David Haworth, James Green and George Hiatt of Randolph county, and their associates be, and they are hereby created a body politic and corporate, for the purpose of constructing a turnpike road, from the State line where the state road from Winchester to Greenville O. crosses it, along the route of said state road to Winchester in Randolph county, by the name and style of "The Winchester Turnpike Company," and by that name they and their successors shall have perpetual succession, and all the privileges and immunities incident to a corporation; and shall be capable of holding capital stock to the amount of twenty thousand dollars, and may take, purchase and hold to them, and their successors, in fee simple, or for any less estate, any lands tenements or hereditaments, and also any personal estate, which may be necessary for the efficient prosecution of the object contemplated by this act, and shall be capable, by their corporate name aforesaid, of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of competent jurisdiction, and shall have and use a common seal, and the same may break, alter, change or renew at pleasure: *Provided*, That the stock, funds and property of said company, shall be applied to no other use or purposes than is provided by this act.

SEC. 2. That so soon as said company shall have duly organized themselves, by written articles, recognizing this act, they may proceed to open books for subscription to the capital stock of said com-

pany at Winchester and such other places as they may deem proper, to receive subscription to the stock of said company, in shares of twenty-five dollars each; which books shall be opened at such times and under such regulations as shall be directed by the persons named in the first section of this act or a majority of them.

SEC. 3. That whenever two hundred shares of the stock of said company, shall have been subscribed, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, by giving public notice thereof in some newspaper printed in Randolph county, if there be any such, for at least thirty days prior to the meeting; and if their be no newspaper printed in said county, said notice shall be given by posting up written advertisements in at least six of the most public places along the route of said road; the stockholders when so convened shall proceed to elect seven directors for said company, at which election at least three of the persons named in the first section of this act shall preside; all votes for directors shall be by ballot; each stockholder shall be entitled to one vote for each share he may own, not exceeding ten; for every two shares above ten and not exceeding twenty, one vote; and for every three shares above twenty, one vote; stockholders may also vote by proxy, under such regulations as may be prescribed in the by-laws of said company; and the directors thus elected, shall hold their offices until their successors shall be elected; and shall immediately proceed to elect from their own body, a president, whose duty it shall be to sign all obligations or contracts on behalf of the company, and who shall hold his office until his successor shall be elected and qualified: *Provided*, That no person shall be elected a director, who is not a stockholder.

SEC. 4. That after the first election, all subsequent elections for directors shall be held at Winchester on the first Monday in January, in each and every year, and the directors thus elected, shall hold their office for one year and until their successors shall be elected and qualified, and shall in like manner, proceed to choose a president from their own body, who shall hold his office until his successor be elected: *Provided*, That if the election for directors shall not be held at the times prescribed in this section, the company shall not be dissolved, but it shall and may be lawful to hold an election at any other time, notice thereof being given, as is provided in the third section of this act: *And provided also*, that the directors may appoint some place other than Winchester to hold any election for directors; but in such case they shall give notice as required above.

SEC. 5. That the president and directors shall in all cases, manage the concerns of said company, appoint such officers and agents as may be necessary, fill all vacancies that may happen in their own body until the next annual election, make such by-laws, rules and regulations, for the government of said company, as they may deem expedient: *Provided*, the same may be not inconsistent with the con-

stitution and laws of this state or the United States; they may require an oath or affirmation of any of the agents of said company; may call special meetings of the stockholders, always giving at least twenty days notice of such meeting by advertising as before mentioned in the third section of this act; they shall keep a record of all their proceedings relative to the business of the company, which shall at all times be open to the inspection of any person interested.

SEC. 6. That if any stockholder shall neglect or refuse to pay any instalment, on his stock, after sixty days notice of the time and place of making payment, by advertisement as required in the third section of this act, it shall be the duty of the directors to collect the deficient instalment, by action of debt with interest and costs thereon, from the time such unpaid instalment had become due; and no delinquent stockholder shall have a right to transfer any share or shares of said stock, nor to vote at any meeting of the company, on any share or shares on which he may be delinquent while such delinquency exists.

SEC. 7. That the said company shall have a right to lay out, survey and construct a turnpike road, from the state line, at the termination of the Urbana Troy and Greenville township road in Ohio, where the state road intersects the same, to Winchester, along the route of the state road; and to take from the lands occupied by said road, when located and surveyed as aforesaid, any stone, gravel, timber, or other materials necessary to construct a good, secure and substantial road as contemplated by this act, and the necessary bridges connected therewith; and in case sufficient materials cannot be procured on the land so as aforesaid located, for said road and bridges, said company or their agents shall have a right to enter upon any unimproved lands adjoining or in the vicinity of said road, and dig, and cut down, take and carry away so much stone gravel, timber or other materials, not previously cut down, taken or appropriated by the owners to any particular use, as may be necessary to enable said company to construct said road and the necessary bridges; and if any difference should arise between the owner or owners of any ground from which such materials are taken as aforesaid and the agents of the company respecting, it shall be determined by the disinterested freeholders, to be appointed by the board doing county business, who after being duly sworn, faithfully and impartially to perform the duties required of them by this act, and taking into consideration whether the land be really rendered more or less valuable by the road passing through or near it, and including it in the consideration, shall make out their assessment in writing, of the damage if any; a copy of which shall be given to the proprietor of the land, and another copy to the agent of the company; and the said agent shall pay or offer to pay the owner of said land the amount of such assessment, before he shall enter upon and take any such ground or materials, other than to survey said road;

and all expenses of such assessment of damage, if any shall be awarded; shall be paid by the company; but if no damages shall be awarded, then the expenses shall be paid by the person who claimed damages.

SEC. 8. That the said company shall have the right of extending said road from Winchester westward along the route of the state road to Windsor, in Randolph county, to the White river canal, or to the canal or rail road connecting the White Water and White river canals in the discretion of said company: *Provided*, That nothing in this or the preceding section shall be so construed as to confine said company in the construction of said road, either east or west of Winchester to the ground occupied by the state road; but the company may make such variations as may be deemed expedient by the directors, being in all cases liable for damages as provided in the seventh section of this act.

SEC. 9. That the president and directors of the Winchester turnpike company shall cause said road to be opened, not exceeding eighty feet wide, of which at least twenty four feet shall be made an artificial road, composed of stone, gravel, wood, or other suitable materials, well compacted together, in such manner as to secure a firm, substantial and even road, rising in the middle with a gradual arch or curve, with sufficient drains on each side of the road, to convey the water therefrom; and shall maintain and keep the same in good repair; and in no case shall the ascent in the road, be of greater elevation than four degrees with the horizon.

SEC. 10. That so soon as the said company shall have completed the road as aforesaid, from the State line to Winchester, and so from time to time, as often as ten succeeding continuous miles of said road shall be completed, an agent to be appointed for that purpose, by the board doing county business, of the county wherein the road to be examined may lie, if not otherwise appointed by the direction of the legislature, shall, on application of the company, examine the same, and report his opinion in writing to the president of the company; and if such report shall state the road or any ten continuous miles thereof, to be completed, agreeably to the provision of this act, the company may then erect a gate or gates, at suitable distances, and demand and receive of the persons travelling said road, the following rates of toll for each and every ten miles of said road; and in the same proportion, for a greater or less distance, to wit: For every four wheeled carriage or wagon, drawn by one horse, mule or ox, eighteen and three-fourth cents; for every horse, mule or ox in addition, six and one fourth cents; for every chair, riding chair, cart or other two wheeled carriage of any kind, drawn by one horse, mule, or ox, twelve and one half cents: for every horse, mule or ox in addition, six and one fourth cents; for every sled or sleigh, drawn by one horse, mule or ox, twelve and one half cents; for every additional horse, mule, or ox, six and one fourth cents; for every coach, chariot, or other four wheeled pleasure carriage drawn by one horse

driver included, twenty five cents; for every additional horse, six and one fourth cents; for every horse and rider, six and one fourth cents; for every horse, mule, ass, or head of neat cattle, six months old or upwards led or driven, three cents; for every head of sheep or hogs, one cent: *Provided*, That all militia men going to and returning from their respective muster shall pass said road free of toll.

SEC. 11. That if any person or persons, using said road, shall, with intent to defraud said company, or to evade the payment of tolls, pass through any private gate, or bars, or any other ground, except around cross-ways, authorized by law, near to any turnpike gate, which shall be created by authority of this act, with intent to evade or lessen the payment of tolls; or if any person shall take another person off of said road with intent to defraud said turnpike company, each and every person concerned in such fraudulent practice, shall for every such offence, forfeit and pay to the company, the sum of five dollars without stay of execution, to be recovered with costs of suit, in an action of debt, at the suit of said company, before any justice of the peace in any county having jurisdiction of the same.

SEC. 12. That if the said company shall for ten days in succession, fail to keep said road in good repair, and complaint thereof be made to a justice of the peace in the county in which said road is out of repair, it shall be his duty forthwith, to summon three disinterested freeholders to examine the same; and he shall give notice to the toll gatherer at the nearest gate, of the time when the said freeholders will proceed to examine the same; and the said freeholders, after having taken an oath or affirmation to act impartially, shall proceed to examine said road; and if the same is out of repair, they shall certify it to the justice, who shall immediately transmit a copy of such certificate to the nearest toll gatherer where such defective part of said road lies; and from the time of receiving such notice, no toll shall be demanded or received for such part of the road, until the same shall be put in complete repair, under penalty of five dollars for every such offence, to be recovered in an action of debt with costs, from said company, on the complaint and for the use of the party aggrieved.

SEC. 13. That if any person shall wantonly or wilfully destroy, or in any manner injure or obstruct any part of said road, or any gate thereon, otherwise than in the just and lawful use thereof, every such person shall, on conviction thereof before any court having competent jurisdiction, be fined in any sum not less than five nor more than fifty dollars, for every such offence, to be recovered by presentment or indictment, at the suit of the State of Indiana, for the use of the county seminary; and shall moreover be liable for all damages the company may sustain, and for all injuries accruing to travellers, in consequence of any such unlawful damage to, or obstruction of

the road; all damages and costs awarded under this section, shall be collected forthwith, without delay or stay of execution.

SEC. 14. That said company shall put up a post or stone at the end of each mile with the number of miles from the state line, fairly cut or painted thereon, and also in a conspicuous place, at or near each gate, they shall put up a board with the rates of toll fairly painted thereon, and directions to keep to the right.

SEC. 15. That any person injuring, defacing or destroying any guide board, mile post or stone, or painted list or rates of toll erected on or along said road, shall on conviction thereof, before any justice of the peace, forfeit and pay a sum not exceeding twenty dollars, to be recovered with costs of suit in an action on the case at the suit of the company.

SEC. 16. That if any toll gather on said road, shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive more or greater toll than is by this act allowed, he shall for every such offence, forfeit and pay a sum not exceeding twenty dollars, to be recovered by action of debt, with costs of suit, before any justice of the peace having competent jurisdiction thereof, without stay of execution, at the suit of the party injured: *Provided however,* That no suit or action shall be brought for any penalty incurred under this section, unless it shall be commenced within twenty days from the time of incurring the same; and the defendant or defendants, in any such action, may plead the general issue, and give this act and the special matter in evidence.

SEC. 17. That there shall be kept a fair account of the whole expense of making and repairing said road, with all incidental expenses; and also a fair account of the tolls received; and the State shall have a right to purchase the same, or any portion of the stock thereof, on paying said company a sum of money, which, together with the toll received, shall equal the cost and expense of said road, with interest thereon at the rate of ten per cent. per annum; and the books of the company shall always be open for the inspection of the agent of the State, appointed for that purpose by the Legislature; and if the company shall neglect or refuse to exhibit their accounts, agreeably to this section, when thereunto referred, then all the rights and privileges granted by this act shall cease.

SEC. 18. That so soon as any ten miles of said road shall be completed as required in the tenth section of this act, that part of the state road along which said finished part lies, shall be, and the same is by this act, declared to vacated; and there shall be no state or county road, laid out or allowed, parallel or running the same direction with said turnpike road, and within one mile of the same: *Provided,* That nothing herein shall be so construed as to prevent public highways from intersecting or crossing said turnpike road.

SEC. 19. That the board doing county business in Randolph county, are hereby authorized, if they deem it expedient, to authorize their clerk, for and on behalf of said county, to subscribe for and

take stock in said company to the amount of the three per cent. fund heretofore appropriated by the legislature to said county and yet unexpended.

SEC. 20. That if said company shall not, within five years from the passage of this act, commence the construction of said road according to the true intent and meaning of this act, then it shall be lawful for the Legislature to resume all the rights and privileges granted by this act.

SEC. 21. That said company shall be and they are hereby authorized and empowered to demand and receive the same toll, and to proceed in the same manner to collect the same, from the driver, owner or owners of any stage, carriage, sleigh or horse, in or on which shall be conveyed the mail of the United States, as they have, by this act, a right to do from the driver or owner of similar carriages, sleighs, &c. to those in or on which the mail is [not] carried, any law to the contrary notwithstanding: *Provided,* That nothing herein contained shall be so construed as to empower said company, their agent or agents to stop or detain any carriage, sleigh or horse while actually carrying the mail.

SEC. 22. That the privileges granted by this act to said company, and this act itself shall cease and expire at the end of seventy-five years from its passage, any thing hereinbefore contained to the contrary notwithstanding.

CHAPTER. LXXIV.

AN ACT to incorporate the Vevay and Napoleon and other Turnpike Companies.

[APPROVED, FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Francis G. Sheets, Joseph Malin, Edward Patton, John F. Dufour, Elisha Golay, William Moss and Lyman W. Mix of Switzerland county and James Cravens and Miles Mendenhall of the county of Ripley and their successors in office duly elected as hereinafter directed, are hereby constituted and appointed a body politic and corporate, and by the name and style of the president and directors of the Vevay and Napoleon Turnpike Company shall be able and capable in law and equity, to sue and be sued, defend and be defended against, implead and be impleaded in any court of justice of this State, to make and use a common seal, and the same to alter, break and change at pleasure; and shall be able to make and enforce contracts under their corporate name, and to make such by-laws, rules and regulations, to enable them to carry into effect the provisions of this act and the objects contemplated by the same, not inconsistent with the laws of this State.

SEC. 2. The capital stock of said company shall be sixty thousand dollars, divided into shares of fifty dollars each; with power to increase the capital stock, if necessary to accomplish the objects herein contemplated.

SEC. 3. That Samuel L. Adair, Alexander Colville, Thomas Stevens, Milbourn T. Abbott, William Robison and John Kelly of the county of Clark, Jesse Jackson and Thomas McCament of the county of Scott, Hiram Kress, James Wheeler and James Wilson of the county of Jackson, and their successors in office appointed or elected as hereinafter provided, be and the same are hereby created a body politic and corporate, who shall by the name and style of the Bethlehem and Rockford rail road company, sue and be sued, plead and be impleaded, defend and be defended in any courts of law or equity in this State, and shall have power to construct a rail or clay turnpike or McAdamized road from Bethlehem in Clark county via New and Lexington to Washington in Scott county, to Rockford in Jackson county and to appoint agents and servants, and have all the powers in constructing using and directing, the constructing and using said road as is hereinafter provided, and have all the powers given in the first section of this act to the president and directors of the Vevay and Napoleon Turnpike Company.

SEC. 4. The capital stock of said company shall be two hundred thousand dollars to be divided in shares of fifty dollars each, and to be increased by the company at their pleasure to an amount sufficient to construct said road bring it into complete operation.

SEC. 5. Said company shall have the power in their discretion to commence the operations on said road at the Ohio River at the town of Bethlehem and construct the same firstly to New Washington, and thence progress with the work to the town of Rockford.

SEC. 6. That Eli M'Calley John Bottorff, Andrew Fite, Christopher Cole, John C. Parker, John Austin and John Shelby of the county of Clark, Elisha G. English, James V. White, and Robert Meek of the county of Scott, Dennis Wiley, Achilles Vawter and Ebenezer Baldwin of the county of Jennings, and their successors in office, appointed or elected as hereinafter provided, be and the same are hereby created a body politic and corporate, who shall by the name and style of the "Jeffersonville and Vernon Rail Road Company," sue and be sued, plead and be impleaded, defend and be defended in any courts of law and equity in this State and shall have power to construct a rail or clay turnpike or M'Adamized Road from the town of Jeffersonville in Clark county, by way of Charlestown in said county, Lexington in Scott county, and Paris, to, at or near Vienna in Jennings county; and to appoint agents and servants, and have all the powers in constructing, using and directing the construction and using said road as is hereinafter provided, and have all the powers given in the first section of this act, to the President and Directors of the Vevay and Napoleon Turnpike Company.

SEC. 7. The capital stock of said company shall be three hundred thousand dollars, to be divided in shares, of fifty dollars each and to be increased by the company at their pleasure to an amount sufficient to construct said road and bring it into complete operation.

SEC. 8. That Geo. M. C. Blake, William Faught, William L. Matlock, Simon T. Hadley, Larkin R. Campbell, James Logan and John M. Comingore of the county of Hendricks and their successors in office appointed or elected as hereinafter provided, be and the same are hereby created a body politic and corporate, who shall by the name and style of "The Danville Turnpike Company," sue and be sued, plead and be impleaded, defend and be defended in any court of law or equity in this state, and shall have power to construct a turnpike or M'Adamized road from the town of Danville to the national road, so as to intersect the same at some convenient point between Alexander Little's and Plainfield; and to appoint agents and servants, and have all the powers in constructing, using and directing the construction and using, said road as is hereinafter provided, and have all the powers given in the first section of this act to the president and directors of the Vevay and Napoleon Turnpike company.

SEC. 9. The capital stock of said corporation shall be sixty thousand dollars, to be divided into shares of fifty each, and to be increased by the company at their pleasure, to an amount sufficient to construct said road, and bring it into complete operation.

SEC. 10. That C. P. J. Arion, James Cowden, Jeremiah Sullivan, David Cummings, Geo. Robinson, James Cochran, and John Woodburn, of the county of Jefferson, and Samuel Wort, William H. Ewing, Jesse B. Durham, and William H. Tilsford of the county of Jackson, and their successors in office appointed or elected as hereinafter provided, be, and the same are hereby created a body politic and corporate, who shall by the name and style of "The Madison and Brownstown Rail Road Company" sue and be sued, plead and be impleaded, defend and be defended, in any courts of law or equity in this state, and shall have power to construct a rail, or clay turnpike, or M'Adamized road, from the town of Madison to Brownstown, and to appoint agents and servants, and have all the powers in constructing, using and directing the construction and using of said road, as is hereinafter provided, and to have all the powers given in the first section of this act, to the president and directors of the Vevay and Napoleon turnpike company.

SEC. 11. The capital stock of said company shall be two hundred thousand dollars to be divided in shares of fifty dollars each, and to be increased by the company, at their pleasure to an amount sufficient to construct said road and bring it into complete operation.

SEC. 12. These corporations by their agents shall respectively have power from time to time to examine survey, mark and locate their

respective roads, the first from Napoleon in Ripley county in this State by the way of Versailles to Vevay in Switzerland county:

The second from Bethlehem in Clark county, via New Washington, to Bedford in Jackson county;

The third from Madison in Jefferson county to Brownstown in Jackson county, and the like power to the commissioners of the various routes named in this act, on the most eligible and suitable ground with full power to diverge from a straight line between the points named when more favorable ground can be had, for the construction of said roads, the same not to be more than sixty feet wide; said corporations may respectively divide said roads into sections and sell the stock for the whole road or for a particular section.

SEC. 13. That Pinkney James, William Lanius, Robert Conaway, Cornelius Miller and William Gerard, of the county of Dearborn and John Hunter, John Bell, and Beverly Blair, of the county of Ripley, and their successors in office appointed or elected, as hereinafter provided be and the same are hereby created a body politic and corporate who shall by the name and style of the Rising Sun, Versailles and Napoleon Turnpike Company sue and be sued plead and be impleaded, defend and be defended in any courts of law or equity in this State, and shall have power to construct, a clay turnpike or McAdamized road from the town of the Rising Sun in Dearborn county via Hartford, Versailles to Napoleon in Ripley county, and to appoint agents and servants, and have all the powers in constructing, using and directing the construction and using said road, as is hereinafter provided; and have all the powers given in the first section of this act to the president and directors of the Vevay and Napoleon Turnpike Company.

SEC. 14. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, and to be increased by the company at pleasure, to any amount sufficient to construct said road and to bring it into complete operation.

SEC. 15. That the Rising Sun, Versailles and Napoleon Turnpike Company, and the Vevay and Napoleon Turnpike Company, are hereby constituted with equal and co-ordinate powers in making and constructing the road lying between Versailles and Napoleon with full power to construct and receive the profits thereof separately or conjointly; the exclusive right being vested in the company, which shall in good faith, first commence the same; the other road in such contingency terminating at Versailles.

SEC. 16. That George P. Buell, Elias Conwell William Israel, Stephen Wood, Stephen Hardin, Aaron Foulk and Robert Moor, of Dearborn county, and their successors in office, duly elected and qualified in the same way and manner provided for in the act, incorporating the president and directors of Vevay and Napoleon Turnpike Company, be and they are hereby constituted and declared a body corporate and politic, by the name and style of "the president

and directors of the Aurora and Napoleon Turnpike Company," and by such name and style shall be able and capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any and all courts of justice, having jurisdiction of the subject matter; and to make and use a common seal, and the same to alter, change and renew at pleasure, and shall be able and capable in law to make all contracts, and to enforce the same, and do all other acts, matters and things in the same way and manner, and under the same rules, regulations and restrictions that the president and directors of the Rising Sun, Versailles and Napoleon Turnpike Company, are authorized to do and perform by the provisions of the charter by this act granted, to said last mentioned company.

SEC. 17. That the capital stock of said Aurora and Napoleon Turnpike Company, is hereby declared to be one hundred thousand dollars, and the same shall be divided into shares of fifty dollars each, and the directors hereby in the 16th section of this act appointed, or a majority of them may meet in the same way and manner, and in all things be governed by the provisions of this act, incorporating the Vevay and Napoleon Turnpike Company.

SEC. 18. That the said president and trustees of said Aurora and Napoleon Turnpike Company, may at any time after the taking effect of this act, by themselves or agents, have full power, and authority to examine, survey, mark and locate the route, for a turnpike road commencing at Aurora, in Dearborn county, and from thence running on the nearest and best route for the interest of said corporation, and the convenience of the public, via Wilmington in Dearborn county to Napoleon in Ripley county; and said company shall, in all respects be governed by the provisions of the charter, by this act granted, to the Vevay and Napoleon Turnpike Company; and all the rights, privileges, and immunities, of said charter, are hereby extended to the said Aurora and Napoleon Turnpike Company, as fully to all intents and purposes, as the same are made applicable to the Vevay and Napoleon Turnpike Company, and shall in all things be governed by the same restrictions and limitations of said charter.

SEC. 19. The individuals named in this act, or a majority of them, shall meet respectively at such times and places, on their respective routes, as they may agree upon, and organize said corporations, by electing one of each of their bodies, president, and after such organization, any three of said board shall be a quorum to do business, but after an election for directors it shall require five to form a quorum.

SEC. 20. These corporations shall have full power to employ all necessary agents to carry into effect the provisions of this act; they shall keep a journal of their proceedings, in which shall be entered all by-laws and regulations, and all orders for the payment of their officers and all others in their employment; which journal shall from time to time, be read, corrected and signed by the president; they

may sit on their own adjournments, and on the call of the president, when the president is absent they may appoint a president *pro tempore*; they shall fill all vacancies which may happen in their own body.

SEC. 21. These corporations shall cause books to be opened for the capital stock, at such times and places, as they may think fit; due notice having been given by publication in some public newspaper in this State; in each of which books the following entry shall be made. We the undersigned, promise to pay the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportions and at such times as the directors of the (here insert the name) company may direct: Witness our hands this day of

SEC. 22. It shall be lawful for all persons of lawful age, or for the agent of any corporate body, to subscribe for any amount of the capital stock; and the said corporation shall have power to offer in any other State such an amount of capital stock as they may deem fitting, and they shall have power on their own credit to borrow money on such terms as may be agreed upon; this [these] corporations may require such sum of money to be paid at the time of subscribing not exceeding ten dollars on each share; [as they may think proper,] and the amount required to be paid shall be made known in the notice for opening the books, and any future payments shall be under the control of the corporation.

SEC. 23. As soon as five hundred shares are subscribed for, in each or either of said corporations, and five dollars paid on each share, it shall be the duty of the corporation having received such subscription to give three weeks notice thereof, in some newspaper in this State, and in such notice appoint a time and place, for the stockholders to meet and elect eleven directors, who shall be stockholders and citizens of this State, which election shall be by ballot, and conducted under the superintendance of one inspector and two judges, appointed by the stockholders present, and the persons having the highest number of votes declared duly elected. No share shall confer a right to vote at any election unless the same shall have been held one month previous to the election: in all elections, each share shall entitle the holder to one vote only, to be given by the person owning the same, or by one of any partners, or by the husband, father, mother, administrator or executor, or trustee or guardian, or by the agent of any corporation, or any person having a right to vote may vote by proxy.

SEC. 24. It shall be the duty of the directors elected as above, and those elected at all subsequent elections, to meet as soon thereafter as may be convenient, and elect one of their body president. The president and directors thus elected, shall continue in office until the next annual election, and until their successors shall be elected and qualified.

SEC. 25. All elections after the first, shall be held on the first

Monday in January annually; of which election notice shall be given; and should no election be held on the day appointed in this act, it shall be lawful to hold an election on any subsequent day, under another section [notice.]

SEC. 26. Certificates of stock shall be given to the stockholders, which shall be evidence of the stock held; they shall be signed by the president and be countersigned by the clerk. The stock shall be transferable on the books of the corporation only, or by one agent or attorney, or by the administrator, executor, trustee, guardian or the stockholders in his own person; but such stock shall at all times be held by the corporation for any dues from the holder thereof to the corporation or for any sums that may thereafter become due on a contract made prior to such transfer.

SEC. 27. These corporations shall respectively have power to call for such portions of the stock subscribed, not exceeding twenty-five per centum every six months, as they may think proper, to be paid at such time and place as they may designate, by giving sixty days notice in some newspaper in this State, or by giving written notices to the stockholders, in which shall be specified the amount demanded on each share, and the time and place of payment; and if any stockholder shall neglect or refuse to pay such requisition, within ten days after the time named for such payment, the corporation may bring suit against such delinquent, for the amount due and called for, in any court of competent jurisdiction, and recover the amount with two per centum interest thereon, per month; and if the amount cannot be made on execution, or if such delinquent is out of the State, then such corporation may by an order on their books declare the stock owned by such delinquent forfeited, together with the amount the owner thereof may have paid on the same; and no such delinquent before the forfeiture of his stock, shall have a right to vote for stockholders, or receive any dividend on his stock, until the demands of the corporation are fully satisfied. The corporation shall require of all officers and others in their employ, bonds with security as they may think proper for the faithful discharge of their duties.

SEC. 28. And for the purpose of making such examination and location, [they are hereby authorized] to enter upon the land of any person by their agents, to make surveys and estimates, and in search of the materials necessary for the construction of said road; but no stone or gravel, or other materials shall be taken from the land of any person, without the consent of the owner thereof, until the rate of compensation be fixed and paid.

SEC. 29. It shall be lawful for said corporation respectively to obtain from the owners of land through which said contemplated road may run, relinquishments of land sufficient for the construction of the road, as also the necessary stone, gravel and other materials that may be obtained on the route, and may contract for stone, gravel or other materials convenient thereto, and may receive by donations, gifts, grants, bequests, money, labour, or property for the benefit of

the corporation; and all such grants, donations, gifts, or bequests, made by persons competent in law to contract, and for the benefit of the corporation, shall be binding and obligatory; and the corporation may and shall have their action at law, to compel a compliance thereto: *Provided*, That all such contracts, donations, gifts, and bequests be made in writing by the person making the same.

SEC. 30. That in all cases when any person, through whose land either of said roads may run, shall refuse to relinquish his land, or where a contract with the parties cannot be made, it shall be lawful for the corporation or either of them as the case may be to give notice to some justice of the peace in the county where such circumstances may exist or occur, and such justice, shall thereupon summon the owner of the land to appear before him on a particular day within ten days thereafter and shall appoint twelve disinterested men of the neighborhood, or such number as may be agreed on by the parties, who shall after having taken an oath, faithfully and impartially to assess the damages, if any, view the land and materials; and after having taken into consideration the advantages as well as disadvantages the road may be to the same, shall report thereon, whether such person is entitled to damages or not, and if any, what amount of damages, and shall file such report with such justice: Whereupon said justice shall enter judgment hereon unless for good cause shown; and in case either party can show good cause, why the justice should grant a review, he shall order the same to be reviewed either with or without costs; either party may appeal to the circuit court, of the proper county, as in other cases, and the cause shall there be tried *de novo*, and final judgment rendered, and such court shall appoint reviewers who may report at that or the succeeding term, until which report judgment shall not be rendered.

SEC. 31. In all cases where the owner is a minor, insane person, or shall reside out of the county where such land may be; such justice shall cause three notices to be stuck up, of the time and place of appointing reviewers; and if no person appears, he shall appoint a guardian *ad litem*, or committee to act for such minor or insane person, as the case may require, to act for the minor or insane person in the suit aforesaid, but such appointment need not be made if the guardian at law or committee of the estate of such person, appear to defend, and he shall then proceed as in other cases, and on judgment being rendered, and the corporation complying therewith by payment of costs and damages, or both, against them, the corporation shall be seized of the lands and materials; costs shall be allowed or awarded against either party, at the discretion of the justice.

SEC. 22. If it shall be found necessary to the construction and location of said road, the corporation, shall respectively have the right to lay the same along or upon any county or state road; *Provided however*, before such location shall be made, the corporation shall apply to the board of county commissioners of the proper county for such right, and said board is hereby required, if they deem it to

be for the public good, to grant such right, and shall enter the same on the records of the proper county.

SEC. 33. That when said corporation shall have obtained the right of way, as herein provided for, they shall have the sole use and occupancy of the land over which the same is located.

SEC. 34. The corporations shall respectively commence the construction of their respective roads, within five years, and complete the same within twenty years from its commencement; *Provided*, that if any part of the road shall be completed, the charter shall not be forfeited as to that part of the road which is completed, although the residue of the road may not have been completed within the said time.

SEC. 35. The corporations shall cause said roads to be opened, not exceeding sixty feet wide, at least twenty feet of which shall be thrown up into a curve, in such a manner as to secure a firm, substantial and even road, and shall constantly be kept in repair, and in no case shall the assent of the road be greater than five degrees.

SEC. 36. That when said roads, or any particular section thereof, shall be located, it shall be the duty of said corporation to cause a plat thereof to be filed in the office of the secretary of state; and after that time it shall not be lawful for the corporation to alter or change said road, unless by contract with the proprietor of the lands over which the proposed change is to be made.

SEC. 37. That if said road, after its completion or any section thereof shall be suffered to go to decay, so as to be impassible for one year, unless when the same is repairing, this charter shall be considered as forfeited.

SEC. 38. So soon as the corporation shall have respectively completed their roads, or any section of five miles thereof, an agent shall be appointed by the governor, who shall examine said road or section and report whether the same be finished according to the provisions of this act, which report shall be entered on the journals of the corporation; and if the same be favorable, showing the completion of said road or any section thereof, of five miles in length, according to the provisions of this act, the said corporation shall be at liberty to erect toll gates not less than five miles apart, and demand and receive of persons travelling said road, such tolls as may be sufficient to indemnify the stockholders, for their money laid out on said road, and pay a reasonable interest on the same after paying expenses.

SEC. 39. If any person or persons, using any of said roads, shall with a view or intent to defraud said company, pass through any private gate or bars or along any other ground near to this turnpike, or shall practice any fraudulent means to lessen the payment of such toll, each and every person concerned in such fraudulent practice, shall for every such offence, forfeit and pay to such company, the sum of five dollars without any stay of execution; to be recovered by an action of debt, at the suit of the corporation before any justice of the peace of the proper county: *Provided*, that nothing in this act shall

be so construed, as to prevent persons residing on said road, from passing thereon about their premises between the gates for common and ordinary business.

SEC. 40. If the said corporations shall fail for ten days in succession, to keep said road in repair, and complaint thereof be made to a justice of peace of the county, it shall be his duty forthwith to summon three disinterested freeholders, to examine the same; and he shall give notice to the nearest toll gatherer of the time when said freeholders will proceed to examine that part of the road complained of; and the said freeholders, after having taken an oath or affirmation, to act impartially, shall proceed in the examination, and if they shall find the same out of repair, they shall certify it to said justice, whose duty it shall be forthwith to transmit a copy of such certificate to the nearest toll gatherer on such road, and from the time of receiving the same, it shall not be lawful to charge any toll on the section of the road for ten miles, where such road is out of repair, until the same has been put into full and complete repair, under penalty of five dollars, for every such offence to be recovered by [of] said corporation by action of debt, at the suit of the party aggrieved and for his benefit.

SEC. 41. The company shall put up a post of [or] stone at the end of every mile with the number of miles from fairly cut or painted thereon, and also in a conspicuous place near each gate, shall be placed a board with the rates of toll fairly painted thereon, and such other matter in relation to direction as may be necessary.

SEC. 42. If any toll gatherer on said road shall unreasonably detain any passenger, after the toll has been paid or tendered, or shall demand or receive greater toll than is by this act allowed, he shall for every such offence, forfeit and pay a sum not exceeding ten dollars to be recovered with costs of suit, before any justice of the peace, having competent jurisdiction, at the suit of the party injured, *provided*, that if no suit or action shall be commenced within thirty days from the time of incurring the penalty, the same shall be barred.

SEC. 43. The corporation shall cause to be kept a fair account of the whole expense of making and repairing said road or any section thereof, with all incidental expenses; and also a fair account of the toll received and the state shall have the right to purchase the stock of said company, at any time after twenty years on paying said corporation a sum of money which together with the toll received shall equal the cost and expense of said turnpike road as aforesaid, with an interest of twelve per centum per annum, and the books of the corporation shall always be open for the inspection of any agent of the state appointed for that purpose by the legislature, and if the said corporation shall neglect or refuse to exhibit at any time, their accounts agreeably to this section, when thereto required then all the rights and privileges granted by this act shall cease and be at an end.

SEC. 44. The said corporation shall be, and are hereby authorized and empowered, to demand and receive the same toll, and proceed in the same manner to collect the same, from the driver, owner or owners, of any stage, carriage, or sleigh, in which shall be conveyed the mail of the United States, as they have by this act, a right to do from the drivers of similar carriages, and sleighs, drawn by the same number of horses, in which no mail is carried, any law to the contrary notwithstanding: *Provided*, that nothing herein contained, shall be so construed, as to empower said corporation, their agent, or agents to stop or detain any person, carriage, sleigh, or horses, while actually employed in the conveyance of said mail.

SEC. 45. It shall be lawful for the county commissioners of each and every county, through which said road may run or pass, for and on behalf of such county, to authorize by an order as much of the stock to be taken, as they may think proper.

SEC. 46. This charter is to be limited to fifty years in its duration.

SEC. 47. This act to be in force from and after its passage and shall be taken and considered as a public act, in all courts of record within and out of this state, as also in courts of justices of the peace; and shall be beneficially construed.

CHAPTER LXXV.

AN ACT to authorize the payment of expenses incurred in suppressing a riot on the Wabash and Erie Canal.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board of canal commissioners be and they are hereby authorized to pay out of the canal fund, upon satisfactory evidence, the claims of individuals, that have necessarily expended money, or furnished provisions in aid of the suppression of a riot among the labourers on the Wabash and Erie canal, in the month of July last. And that Elias Murray be allowed and paid as aforesaid, one dollar per day and his necessary expenses for the time he was employed, in conveying prisoners to Indianapolis and returning home, and in like manner individuals employed as a guard by said Murray, shall each be paid the sum of fifty cents for each day's service, together with their necessary expenses, during the time they were so employed.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVI.

AN ACT to authorize certain individuals therein named, to build a toll bridge across the Kankakee river.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana.* That John M'Cormick, Benjamin Reynolds, A. W. Harrison, Herman Lawson, Samuel Miller, Randolph S. Ford, Samuel Grimes, John Taylor, David Burr, and William Teal, their agents heirs or assigns, be, and [are] hereby authorized to build at their own expense, a toll bridge across the Kankakee river, on the Lafayette and Michigan city road, on the conditions hereinabove specified.

SEC. 2. Said bridge shall be at least sixteen feet wide in the clear, with good and sufficient handrailing on each side, and in other respects strong and convenient for the passage of all travellers, horses, cattle, hogs, and carriages of every description.

SEC. 3. If the aforementioned persons, their agents, or assigns, shall within eighteen months from the passage of this act, have erected and completed the said bridge in the manner contemplated by this act, their heirs, representatives or assigns may ask demand and receive the same rates of toll authorized by law to be charged at the bridge crossing the same river on the Yellow River road.

SEC. 4. It shall be the duty of the aforementioned persons, their agents, heirs or assigns, to keep up in some convenient place on said bridge, where the toll shall or may be received and collected, a list of the rate of toll allowed to be received, which list shall be printed in large English print; and for every day the same shall be neglected after reasonable time to have the same printed, they shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace, by the person suing for the same.

SEC. 5. If any person or persons shall wilfully pull down, deface, alter or destroy said printed list of rates, he, she or they so offending, shall upon conviction thereof, forfeit and pay not less than three dollars, nor more than twenty, to the use of said bridge company: and to be sued for and recovered before any justice of the peace, in the name of any three of the persons aforementioned.

SEC. 6. It shall be the duty of the persons aforementioned, their agents, heirs or assigns to keep the same in good repair, and in default thereof, shall on conviction, before any justice of the peace, by action of debt, pay any sum not exceeding fifty dollars, at the discretion of the justice who tries the same, for the use of the road on which the bridge is built.

SEC. 7. If the aforementioned persons, their agents, heirs or assigns, shall demand and receive from any person or persons, any higher or greater toll, than is authorized by the third section of this

act, he or they shall forfeit and pay the sum of five dollars, for the use of the road on which the bridge is located; to be recovered by action of debt, at the suit of the party aggrieved.

SEC. 9. This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

AN ACT to legalize the official acts of Josiah Reeder.

(APPROVED JANUARY 26, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the official acts of Josiah Reeder, a justice of the peace of Dubois county, prior to his entering into bond and security, be and the same are hereby legalized and rendered as valid, as if such bond and security had been given according to law, and no further.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVIII.

AN ACT to authorize the inhabitants of township eight south, of range two west, to sell their school lands.

(APPROVED FEBRUARY 1, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That if at the time of determining by ballot the question whether school lands shall be sold or not, to wit: on the last Saturday of August in any year, a majority of the qualified voters who are inhabitants of fraction, township number eight south, of range two, west, who may vote on the determination of said question, not less than ten in number, shall vote in favour of said sale, the sixteenth section in said congressional township shall be sold under the same rules, regulations, duties and provisions as are required by the act incorporating congressional township, and providing for public schools therein," approved February 2, 1833, and the several acts amendatory thereof, or supplementary thereto.

CHAPTER LXXIX.

AN ACT relative to county orders in the county of Parke.

(APPROVED, FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be the duty of the collector of Parke county, to endorse upon all count orders by him received, in payment of county tax, whether it be the entire or in part payment of said county tax, from whom received, the date of receiving the same, together with the amount of interest due thereon.

SEC. 2. And that it shall be the further duty of said collector, to appear before the treasurer of said county, at the time prescribed by law for him to pay over the county revenue of said county, and exhibit to said treasurer such county orders as he may have actually received in payment of county tax, and answer under his official oath, as to the correctness of his endorsement, and upon any matter touching the collection of said revenue, as said treasurer may think proper to ask.

SEC. 3. Should the collector refuse to answer as required by the second section of this act, the treasurer shall refuse to credit him with the same upon his settlement.

SEC. 4. It shall be the duty of the collector of said county to make out and deliver, to at least one of the justices of the peace in each township in said county, a list of the delinquents within said township, which shall be certified by him, in his official capacity.

SEC. 5. That it shall be the duty of the officer swearing said collector into office, to swear him to observe this act, and endorse the same on the precept under which he collects.

SEC. 6. For each offence against this act, committed by said collector, shall subject him to the penalty, as prescribed in the nineteenth section of the acts of eighteen hundred and thirty one, governing county business.

SEC. 7. That said collector shall be allowed on any county order, by him received, no more, in his settlement with the treasurer, than he may have allowed the person paying over the same.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER LXXX.

AN ACT for the survey of a Turnpike road from Mount Vernon to Princeton.

[APPROVED FEBRUARY 6, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the governor is hereby authorized and directed to employ a competent engineer or engineers, who shall survey a route for a turnpike road, commencing at Mt. Vermont, [Mt. Vernon] on the Ohio river in the county of Posey, and running from thence the most practicable route, *via* New Harmony and Cynthiana to Princeton in Gibson county.

SEC. 2. It shall be the duty of the said engineer or engineers, the ensuing summer or fall, to make an examination and survey of said turnpike road, and detailed report of which survey and examination, together with an estimate of the practicability, cost of construction, and probable utility of said work with such other matters connected with the same, as the said engineer or engineers, may deem expedient, they shall lay before [the] legislature as early during the next session as practicable.

SEC. 3. This act to take effect from and after its passage.

CHAPTER LXXXI.

AN ACT to legalize the Rising Sun, Dearborn county, Agricultural Society.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Rising Sun, Dearborn County Agricultural Society, now organized be and the same is hereby legalized, and be entitled to all the privileges and be governed by all the rules and restrictions set forth in an act entitled "an act for the encouragement of agriculture," approved February the 7th, 1835, as [though] the same had been organized agreeable to said act.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXII.

AN ACT to legalize a certain act of James Davis school commissioner of Sullivan County.

(APPROVED JANUARY 26, 1836.)

Whereas, It is represented to this general assembly, that James Davis school commissioner of Sullivan county did sell to Jesse Hadden, two lots in Edwardsport, Knox county, known and designated on the plat of the town, by being numbers thirty six and thirty seven, without advertising the sale, as provided in the 36th section of the school act of 1833; Therefore.

Be it enacted by the General Assembly of the State of Indiana, That the sale and conveyance of said lots, made by said James Davis, school commissioner as aforesaid, to said Jesse Hadden, be and the same are hereby legalized.

CHAPTER LXXXIII.

AN ACT to legalize the proceedings of the board of commissioners of the county of Lawrence.

[APPROVED JANUARY 27, 1836.]

Whereas in consequence of the necessary absence of the commissioners of the county of Lawrence, the board was unable to hold its last May session, at the time prescribed by law:

Sec. 1. Be it therefore enacted by the General Assembly of the State of Indiana, That the proceedings of the board of commissioners of the county of Lawrence at its session, commencing on the 18th day of May last, be and the same are hereby legalized.

Sec. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXIV.

AN ACT to make the Knox county Agricultural Society a branch of the State Agricultural Society of Indiana.

(APPROVED FEBRUARY 1, 1836.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the Agricultural Society of Knox County, organized during

the past year, by and under the style of "The Knox County Agricultural Society," be and the same is hereby made a branch of the State Agricultural Society of Indiana, created by an act of the General Assembly of this state entitled "An act for the encouragement of Agriculture," approved February 7, 1835, enjoying all the rights and privileges, and subject to all the regulations, restrictions and limitations of the County Agricultural Societies created by said act, just as if the same had been organized in conformity with the provisions of said act.

CHAPTER LXXXV.

AN ACT authorizing Amasa Makepeace, to apply for a writ of *ad quod damnum*, to establish a mill on White river in Madison county.

(APPROVED FEBRUARY 8, 1836.)

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That Amasa Makepeace be, and he is hereby authorized to apply to the circuit court of Madison county, for the benefit of the writ of *ad quod damnum*, as authorized by an act entitled "an act allowing and regulating the writ of *ad quod damnum*," approved December the 20th, 1823, for the purpose of enabling him to determine his right to erect a mill and build a dam across White river, on the eleventh section, of township nineteen, range eight east, in Madison county, upon his complying with the requisitions of said act; and said court is authorized to proceed on said application, in like manner as they would, in case said river had not been declared navigable and a public highway: Provided, That no damages shall at any time hereafter be allowed to said Makepeace, in consequence of any injury resulting from the construction of the White river canal.

This act to be in force from and after its passage.

CHAPTER LXXXVI.

AN ACT providing for the correction of a mistake in a deed therein mentioned for part of the plat of the town of Newport, and for other purposes.

(APPROVED FEBRUARY 8, 1836.)

WHEREAS, it [is] represented to this General Assembly, that in the deed of conveyance heretofore executed by Stephen S. Collett and his wife, to Benjamin Shaw, as agent of Vermillion county, bearing date May 2, 1827, there was a mistake contrary to the

intention of the parties; in this, to wit: that the said deed of conveyance purports to convey certain lots in the west half of the south east quarter, of section number twenty-six, in township seventeen north, of range number nine west; whereas, in truth, it was intended that the said deed should thereby convey certain lots in the west half of the south west quarter of the section aforesaid; for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Stephen S. Collett and Sarah his wife are authorized to make an instrument in writing, in substance as follows: that is to say;

“Whereas, we, Stephen S. Collett and Sarah, his wife, heretofore executed our deed of conveyance bearing date, May 2, 1827, which purported to convey to Benjamin Shaw, as agent of Vermillion county, in the State of Indiana, certain lots in the south east quarter of section number twenty-six, in township number seventeen north, of range number nine west; whereas, in truth, the said parties to the said deed, intended that certain lots in the west half of the south west quarter of the section aforesaid, should be thereby conveyed by us, the said Stephen S. Collett and Sarah, his wife, to the said Benjamin Shaw, as such agent as aforesaid. And whereas the certain lots, last aforesaid, have since been sold and conveyed unto different purchasers, as town lots of the town of New Port, in said county; by reason of which mistake, the legal title of said purchasers, their heirs, and assigns, is insecure; now, therefore, we, the said Stephen S. Collett and Sarah, his wife, and the residue of the undersigned, hereby admit as against ourselves, our heirs and assigns, that the same and all subsequent deeds and agreements made for or in relation to any part of the certain lots last aforesaid, described as being in said south east quarter, shall be as valid as though the said deeds and agreements were for the conveyance of the certain lots last aforesaid, or any part thereof, of the quantity mentioned in said deeds respectively, and no further.

In witness whereof, we have hereunto affixed our seals and signatures respectively.”

SEC. 2. On the filing of said instrument in writing in the clerk's office of the circuit court of said county, duly acknowledged by the persons executing the same, in the same manner, that deeds are required by law to be acknowledged; and on recording the same, the same shall operate as making any title, whether legal, equitable or inchoate, as valid as though the mistake aforesaid had not occurred in the deed first aforesaid, nor in any such subsequent deed, title bond or agreement to convey as to the person so executing the same, his heirs and assigns, and no further.

SEC. 3. That the said Stephen S. Collett and the surveyor and agent of said county, shall, as soon as practicable, proceed to resurvey said town and lay out a new plat thereof, and number the lots of the same, being governed by the present plat of said town, and the size of its lots sold or intended to be sold, so far as the same

is consistent with individual and public rights, and a perfect and clear survey and plat of said town as contemplated by law; which new survey and plat shall, when recorded, according to law, be regarded as the legal survey and plat of said town.

This act shall be in force from and after its passage.

CHAPTER LXXXVII.

AN ACT authorizing the school commissioners of Dearborn county to sell and convey certain school lands therein mentioned.

(APPROVED, JANUARY 27, 1836.)

Whereas, under the provisions of the 55th section of “an act incorporating congressional townships and providing for public schools therein,” approved, February 10, 1831, the trustees of congressional township number five, range one west, in the county of Dearborn State of Indiana, in the year 1831, offered at public sale a lease-hold estate in the sixteenth, commonly called the school section in said township, for the term of fifty years, the same being put up in different parcels, the purchaser of such estate, being required to pay therefor six per cent. per annum annually in advance on the amount by them respectively bid, as a rent for said premises to be applied to the use of public schools in said township: And whereas, it has been represented that the absolute sale of said premises to the purchasers of said lease hold estate, to wit: George Weaver, Jacob Bostich, James McClister, David Nevit, Andrew Morgan, Isaac Dunn and John T. Bishop, or to their assigns in possession, at the bids by them respectively made and the funding the proceeds thereof would advance the interest of said township as well as the interest of the public school therein: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the school commissioner of the county of Dearborn, or his successor in office be and he is hereby authorized to execute to the respective lessees of section sixteen, township No. 5, range 1 west in said county or to their assignees in possession certificates of sale of the respective portions by each lessee held under such lease, describing such portions by proper metes and bounds, on their, the said lessees or their assigns respectively executing to said commissioner or his successor in office, their individual promissory notes for such sums as their respective portions of said premises were bid off at, at the time said premises were leased at public outcry as aforesaid, with interest from date payable annually in advance, at the rate of six per cent. per annum, said notes to be made payable to such school commissioner in three equal instalments, of three, six, and nine years, and on their the said lessees or their assignees surrendering to

said commissioner the leases by them held as aforesaid; said notes shall specify the consideration on which they are given; and any failure on the part of any payee of any one of such notes to discharge the principal or interest thereof as the same shall fall due, shall be taken and deemed an entire forfeiture of such note unless in the opinion of such commissioner it shall be deemed more advantageous to the school in said township, to coerce the collection thereof by law, and in that case such commissioner shall immediately institute suit therefor in some court of competent jurisdiction.

SEC. 2. Said commissioner shall as soon as practicable after the reception of any moneys arising from the sale of said premises, proceed to loan out the same on good freehold security at periods not exceeding one year in length, at a rate of interest not exceeding ten per cent. per annum, or if he deem it most advisable, he may invest said funds in bank stock at the branch at Lawrenceburgh of the State bank of Indiana, the proceeds thereof to be appropriated as heretofore for the use of schools in said township: *Provided however,* That in loaning out said moneys preference shall always be given to the residents of said township, the security offered being equally good.

SEC. 3. Said commissioner on the final and full payment of said notes is hereby authorized and directed to make to the respective purchasers of said premises, deeds therefor, which when regularly made and executed shall vest in said purchasers full, perfect and indefeasible titles in fee simple to the premises so conveyed.

SEC. 4. Said school commissioner or his successor in office, is hereby invested with full power and authority necessary to carry into effect the provisions of this act, any thing in any other act or law to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER LXXXVIII.

AN ACT to change certain alleys in the town of Livonia.

(APPROVED, JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the alleys running east and west parallel with the main street in the town of Livonia in Washington county and dividing the frontiers of lots from the back ones, be, and the same are hereby vacated; that Daniel Sherwood of the town of Livonia be and he is hereby appointed a commissioner to lay out and establish an alley or alleys on the northern and southern boundaries of said town, where it may best suit the interest and convenience of said town.

SEC. 2. The said commissioner shall faithfully after taking an oath

to discharge the duties required of him by this act, proceed to lay off and establish said alleys, and shall make report thereof to the board doing county business in Washington county, who shall cause the same to be publicly read and lay the same over until the next term of said court, at which term if no sufficient objections be made they shall cause the same to be recorded, and the said alleys shall be established, and the said commissioner shall be allowed by the board doing county business, a reasonable compensation for his services.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXIX.

AN ACT to record and incorporate Wilson's addition to the town of Crawfordsville,

(APPROVED FEBRUARY 8, 1836.)

Whereas, John Wilson of Montgomery county, during the years 1832, 1833 and 1834, laid off eight lots with streets and alleys, extending from and corresponding with the streets and alleys, of the town of Crawfordsville in the county aforesaid and immediately adjoining the south side of said town, and during the years aforesaid sold six of said lots, and through inadvertance, or misapprehension of the law in relation to such subjects, failed and omitted to record the same: and whereas, the said John Wilson, together with the persons to whom said lots had been sold, recently applied to the Recorder of said county, to make record of the plat or plan of the lots, streets and alleys so laid off, which application to record the same, the said Recorder did not feel at liberty to make and enter on the records of said county without a special act on that subject, on account of his doubts of the legality of such a proceeding, in consequence of said sales having been made before the said plan or plat had become matter of record, Therefore—

Be it enacted by the General Assembly of the State of Indiana, That the said John Wilson be and he is hereby authorized to record in the Recorder's office of the county of Montgomery his said plat or plan in addition to the town of Crawfordsville; that the recorder of said county enter the same in the books of record of his office in the same manner as if said plat had been presented before any sales of the lots aforesaid had been made: and that the said plat or plan constitute a part of, be incorporated with, and included in the said town of Crawfordsville in the county aforesaid, and that its act or acts of incorporation and corporate authority be, and is hereby extended over the said Wilson's addition to said town as fully, as if the same had been included in the original plat or plan thereof.

This act to take effect and be in force from and after its passage.

CHAPTER XC.

AN ACT to vacate a part of the public common in the town of Spencer in the County of Owen.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the public common in the town of Spencer, in the county of Owen as lies between the streets of Washington and Harrison, and the West Fork of White river, excepting the space of ninety feet, or width of water street, which is laid out next to the surveyed lots of said town, be and the said common is hereby appropriated, granted and vested in the Spencer steam mill company, for their use and benefit, and for the use and construction of such buildings and machinery as may be necessary for the operation and business of said company; the said company to have, occupy and possess the same for any period of time not exceeding the limitation of their charter: *Provided* that said company shall construct upon said common within three years, a steam mill or other machinery as is contemplated in the provisions of their charter: *And provided also*, the said mill or other machinery shall be kept in operation, *And provided further*, that no part of said common shall be appropriated or applied by said company, to any other use than is contemplated for the use of said mill or machinery.

This act to be in force from and after its passage.

CHAPTER XCI.

AN ACT to change the name of the town of Somersett.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of Somersett, in the county of Montgomery and State of Indiana, be and the same is hereby changed to the name of Parkersburgh, and the name of said town of Somersett, shall hereafter be known and called in all public transactions, by the aforesaid name of Parkersburgh.

SEC. 2. It shall be the duty of the proprietors to cause a plat of said town to be recorded in the Recorders office of Montgomery county, with the said last mentioned name of Parkersburgh.

This act to take effect and be in force from and after its publication.

CHAPTER XCII.

AN ACT to change the name of the town of Greensborough in Franklin county, to that of Blooming Grove.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of the town of Greensborough in Franklin county, be and the same is hereby changed to that of Blooming Grove: *Provided however*, that such change shall not affect any contracts heretofore made, or any private or public rights.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XCIII.

AN ACT to vacate the town of Cynthiana in Hamilton county.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the town of Cynthiana in Hamilton county, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER XCIV.

AN ACT to change the name of the town of Carthage in the county of Putnam.

(APPROVED FEBRUARY 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the name of the town of Carthage in the county of Putnam be, and the same is hereby changed to Mount Meridian.

This act to take effect and be in force from and after its passage.

CHAPTER XCV.

AN ACT to amend an act entitled "an act for the promotion of Schools in, and for the sale of lands belonging to the Vincennes Donation Tract," approved February 7, 1835.

(APPROVED, FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the inhabitants of that portion of the Vincennes Donation Tract, which lies in the counties of Daviess and Pike, and any other county or counties, be, and the same are hereby included with the inhabitants of that portion of said Vincennes Donation Tract, which lies in the county of Knox, who shall collectively constitute, the body politic and corporate, by the name of the inhabitants of "the Vincennes Donation Tract," under the regulations, powers, duties, privileges and provisions, in the act to which this is an amendment, contained as applicable to the Vincennes Donation Tract.

SEC. 2. So much of said Vincennes donation tract as lies in said counties of Pike and Daviess, or any other county or counties, if any, are hereby placed under the jurisdiction of the school commissioner of Knox county, and the inhabitants thereof shall have the right to vote on all questions contemplated by the act to which this is an amendment.

SEC. 3. At any election held for the purpose of determining whether any school lands belonging to the inhabitants of said Vincennes Donation Tract, shall be sold or not, any of said inhabitants may vote in person or by proxy, and the reported result of any such election shall be *prima facie* evidence that such election was regular, and that any and all proxies were duly authorized to vote as aforesaid: *Provided*, That any inspector of any such election shall have power to administer an oath or affirmation to any such proxy, touching the right of such proxy to vote as aforesaid.

CHAPTER XCVI.

AN ACT to authorize the Recorder of Boone county to record the plat of Jamestown and for other purposes.

(APPROVED, FEBRUARY 8, 1836.)

WHEREAS, it has been represented to this General Assembly that Jamestown in Boone county was, at the time of its location, in the county of Hendricks, and the plat thereof recorded in the recorder's office of the said county of Hendricks; And whereas, it has also been represented, that the recorder in recording the same committed several errors, which are likely to be attended with great inconvenience to the purchasers of lots in said town; And whereas, al-

so, the said town has since been embraced within the limits of Boone county; Therefore, for remedy to the said purchasers and all others concerned;

SEC. 1. *Be it enacted by the General Assembly [of the State of Indiana,]* That the recorder of Boone county be, and he is hereby authorized to record the plat of the said town in the records of his office, in the same manner as if the same had never been recorded in the records of Hendricks county aforesaid.

SEC. 2. That when the said plat shall be so recorded, it shall be as legal and valid to all intents and purposes, as if the same had been originally and correctly recorded among the records of the said county of Boone.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

AN ACT to legalize the sale of school lands in the county of Pike.

(APPROVED, FEBRUARY 5, 1836.)

WHEREAS, it has been represented to this General Assembly, that the school commissioner of the county of Pike, previous to selling section No. sixteen, in township one north, of range six west, in said county, had given but fifty-six days, instead of sixty day's notice of said sale; And whereas, doubts have arisen, as to the validity of said sale; for remedy whereof,

Be it enacted by the Genclnl Assembly of the State of Indiana, That the sale or sales, made by such commissioner shall, in all respects be as valid as though sixty day's notice of such sale or sales had been given.

CHAPTER XCVIII.

AN ACT to amend an act, entitled, "an act incorporating Congressional townships and providing for public schools therein," approved February 2, 1833.

(APPROVED, FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the school commissioner of Monroe county be, and he is hereby authorized to sell the sixteenth section of school land, in Congressional township No. eight, in range two west, under the same rules and regulations that are required of him by the act to which this is

amendatory: *Provided however*, That the said commissioner previous to the selling of said land, shall give three week's public notice in the Post, a newspaper printed in the town of Bloomington in the county aforesaid, and also by setting up written advertisements in the township aforesaid, three weeks previous to the day of sale.

SEC. 2. That the trustees of said township shall, on or before the first day of April next, or at some subsequent time, proceed to divide and subdivide the said section into lots of such size as will most conduce to the interest of said township, and make the same known to the school commissioner aforesaid, whereupon he shall proceed, according to the provisions of the first section of this act, and the provisions of the act to which this is amendatory.

SEC. 3. That whenever hereafter a majority of the qualified voters of any Congressional township in said county, shall, by petition, signify to the school commissioner aforesaid, their desire to have the sixteenth section sold in said township, then the said commissioner shall authorize the trustees of said township, to divide and subdivide the same in the manner most conducive to the public interest, and notify the said commissioner of said division; whereupon the said commissioner shall proceed to sell the same in the manner prescribed in the first section of this act, and of the act to which this is an amendment: *Provided however*, That if said lands are not sold at public sale, they shall be subject to entry at private sale, under the same requisitions of the law, as if they had been sold at public sale.

SEC. 4. All acts or parts of acts coming within the purview of this act be, and the same are hereby repealed.

This act to be in force from and after its publication in the Post, a newspaper printed in the town of Bloomington in the county aforesaid.

CHAPTER XCIX.

AN ACT for the relief of Elias Osborn.

(APPROVED, FEBRUARY 6, 1836.)

WHEREAS, it has been represented to this General Assembly, that Elias Osborn was in the lawful possession of school lands in the county of Pike, by virtue of a lease made to his father Eber Osborn by the proper authorities; and by reason of two ejection suits brought against him by one Abraham Tourtelot, he the said Elias Osborn was compelled to expend the sum of thirty-five dollars of his own private money,—for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in the county of Pike are hereby authorized, in their discretion, to make an order to pay the said Elias Osborn or his legal representatives, the whole or any part of said

five dollars and interest, out of the county funds of the county like, or out of the school moneys belonging to town one, of range west, part of which township is situated in the county of Pike.

SEC. 2. In case the board aforesaid shall order the payment of any of the moneys of the township aforesaid, it shall be the duty of school commissioner of the county of Pike, to pay the amount so ordered to be paid, to said Elias Osborn or his legal representatives, or the moneys belonging to the Congressional township aforesaid. This act to take effect and be in force from and after its passage.

CHAPTER C.

AN ACT for the relief of John Dickens and others.

(APPROVED, FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, that on the presentation of a petition signed by a majority of the voters of school township number twelve, north of range number five and in Clay and Putnam counties, to the trustees of said township, for the discharge of the liability of John Dickens, to the said lessee for the amount of the rent due on a lease held by him of land in the sixteenth section of said township, in the year 1831, on paying to said trustee at the rate of one dollar and twenty-five cents for each acre included in said lease, then in that case, the said lessee are authorized to discharge such liability: *Provided*, That said Dickens shall first pay, or give his note with good security to said trustees, for the sum of one dollar and twenty-five cents for each acre included in said lease.

SEC. 2. Every other lessee of any part of said section, during said lease, under a rent payable in corn, shall be entitled to the relief provided for the said John Dickens, in the first section of this act, under the same rules, restrictions and provisions therein contained.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CI.

AN ACT to legalize the sale of the west half of the public square in the town of Newcastle in Henry county.

(APPROVED, JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, that all and singular the proceedings, sales and other acts heretofore done and performed by the board of county commissioners of

Henry county in vacating and making an order for the sale and conveyance of the west half of the public square in the town of New castle in said county, are hereby legalized and declared valid.

This act to be in force from and after its passage.

CHAPTER CII.

AN ACT to vacate a part of a certain street in the town of Washington in Wayne county Indiana.

(APPROVED JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of Water street, in the town of Washington, Wayne county, as lies north of Pearl street in said town be, and the same is hereby vacated.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIII.

AN ACT to provide for a justice of the peace in Rockford, Jackson county.

(APPROVED FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That a justice shall be elected within the town of Rockford, in Jackson county by the qualified voters of the township in which the said town of Rockport may be situate, in the same manner, they might or could do, if said town was incorporated.

SEC. 2. The board doing county business of Jackson county at their session or the clerk thereof in vacation, shall cause this act to be carried into effect, according to the laws in force, providing for the election of justices of the peace, and as in case of a vacancy of the office of justice.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CIV.

ACT to authorize the election of an additional Justice of the Peace for Franklin township in Marion county.

(APPROVED, FEBRUARY 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That at the next annual election of township officers in Franklin township in Marion county, it shall be lawful for the qualified voters of said township, to elect an additional justice of the peace for the same.

This act to be in force from and after its passage.

CHAPTER CV.

ACT to authorize the election of an additional justice of the peace in the county of Jefferson.

(APPROVED FEBRUARY 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the board of county commissioners for the county of Jefferson, be and are hereby authorized at their discretion, to order an election for an additional justice of the peace in Madison township in said county, to be elected within the town of South Hanover in said township.

This act to take effect and be in force from and after its passage.

CHAPTER CVI.

ACT to provide for the election of a justice of the peace in or near Milroy in Rush county.

(APPROVED FEBRUARY 6, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of Rush county, at their next March or subsequent term be, and they are hereby authorized and required to cause an order to be made for the election of one justice of the peace, in, or within one half mile of the town of Milroy, in the township of Anderson in said county, in addition to the two justices of the peace, already elected in said township, in the same manner as they might do, if said town was incorporated. It shall be the duty of

the sheriff of Rush county, to give public notice of said election, the same manner as is required, in the election of township and county officers.

This act shall be in force from and after its passage.

CHAPTER CVII.

AN ACT to provide for the election of a justice of the peace in the town of Brownsville.

(APPROVED JANUARY 30, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business for the county of Union, be, and the same are hereby authorized and required, at the next March term of said board, or at the first term after the publication of this act, to order one justice of the peace to be elected by the citizens of the town of Brownsville, which justice of the peace shall hold his office and reside in the town of Brownsville, and a removal from said town such justice, shall be a vacation of his office.

This act to be in force from and after its passage.

CHAPTER CVIII.

AN ACT to authorize the citizens of Madison township in the county of Morgan, to elect an additional justice of the peace.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That it shall be lawful for the citizens of Madison township, Morgan county, to elect an additional justice of the peace in said township who shall reside on the east side of White river.*

SEC. 2. *The citizens of said township in electing such justice shall be governed in all respects by the laws of this State, regulating general and township elections.*

This act to be in force from and after its passage.

CHAPTER CIX.

AN ACT to renew the corners, stakes, and boundaries of the town of Greenfield, the seat of justice of Hancock County.

(APPROVED FEBRUARY 6, 1836.)

Whereas, great uncertainty at present exists in the plat of the town of Greenfield in Hancock county, on account of no regular plat thereof being filed in the recorder's office of said county in pursuance of law, on that subject, and the destruction, of a greater part of the stakes, designating the points in said town; for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana, That the board doing county business in said county, be authorized and directed to cause a re-survey and renewal of the corners and stakes of said town as near as can be, from the best data they may be able to procure on the original plat of said town; and cause a plat thereof to be entered on record in the record books of said county. All the expenses hereby accruing, to be paid out of the county treasury of said county on an order of said board of commissioners.

This act to take effect and be in force from and after its passage.

CHAPTER CX.

AN ACT for the improvement of Morgantown in Morgan county.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the owners and proprietors of lots in Morgantown, all consenting thereto in writing, are hereby authorized to take such measures as they may deem expedient in order to change the plan of said town, by increasing the width of all streets in said town, and if found practicable increase the size of lots therein.*

SEC. 2. *So soon as said town shall have been laid out on a more liberal plan than the present plan by the owners of property therein, it shall be incumbent on some two or more of the owners of lots in said town to appear before a justice of the peace of said county with a list of names of all the owners of property in said town, and prove on their oath, or that of some other credible testimony the consent of each and every person holding property therein having consented to such re-organization of said town, which written consent thus proven, shall together with the new plan of said town be recorded in the recorder's office of Morgan county as now directed.*

by law, in relation to recording town plats, and from and after the filing and recording the new plan or plat of said town the old plat and plan of said town shall be null and void.

This act to take effect and be in force from and after its passage.

CHAPTER CXI.

AN ACT to provide for a special session of the Jefferson Circuit Court.

(APPROVED JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judges of the Jefferson Circuit Court are hereby authorized to hold a special session for the trial of all persons now confined in the jail of said county, or that may be confined in the jail of said county, at the time of such special session, for any crime or crimes not capital.

SEC. 2. It shall be the duty of the sheriff of said county to fix a day for the commencement of said special session; of which he shall give notice to the judges aforesaid, and each prisoner that is in the jail at the time of the passage of this act, at least five days notice: the notice to the prisoners must be in writing.

SEC. 3. It shall be the duty of the clerk to issue venires for a grand and petit jury, commanding the sheriff to summon the grand and petit jurors belonging to the regular pannel of the last Jefferson circuit court, and said sheriff may supply any deficiencies in said pannel by talismen, if a sufficient number of the regular pannel fails to attend.

SEC. 4. Said court may adjourn from day to day until the whole of said prisoners are tried, appoint an attorney or attorneys to prosecute and defend, and in all things not specially provided for by this act, be governed by the provisions of an act to authorize called sessions of the circuit courts, approved February 12, 1825.

SEC. 5. The sheriff shall file notice in writing, in the clerk's office of the time appointed for the trial of said prisoners which shall be sufficient direction to said clerk for his action.

This act to take effect and be in force from and after its passage.

CHAPTER CXII.

AN ACT for the relief and benefit of Thomas Smyth of Vanderburgh county.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the mill dam heretofore erected by Thomas Smyth, of the county of Vanderburgh, in and upon a certain stream or creek, commonly called Big Pigeon, be and the same is hereby established as fully and completely as if the same had been established by order of any court having competent jurisdiction, under "an act allowing and regulating the writ of ad quod danumm:" *Provided*, he, the said Thomas Smyth, shall pay or cause to be paid to any person or persons, or body corporate, all such damages as he, she or they may sustain in consequence of the erection of the said mill dam.

SEC. 2. When any persons may deem themselves aggrieved by the mill dam so erected, as aforesaid, by the said Thomas Smyth, and shall not have received adequate compensation for the damages done him, her or them, by the erection of said mill dam, it shall be lawful for him, her or them to institute any proceedings warranted by the fourth section of the before mentioned act, and should the said Thomas Smyth neglect, fail or refuse to pay the damages assessed to the proper person entitled thereto, with the costs of the inquest aforesaid, then it shall be lawful for the person or persons in whose favor such damages may be awarded to have execution thereof by scire facias against the said Thomas Smyth in the same manner and not otherwise as if said return was a verdict at law; or the said person or persons so found to be damaged, may three months after said return, lawfully enter in and upon the premises and abate the said mill dam of the said Thomas Smyth.

SEC. 3. When any person shall conceive himself injured by the erection of said mill dam and shall bring suit against the said Thomas Smyth, in an action on the case, for damages, he, she or they so suing shall by virtue of this act recover in addition to damages for injuries sustained, also such damages as shall either with or without any special allegation in the declaration, be proven that he, she or they may sustain in consequence of the continuance of said mill dam, and upon payment of the damages so assessed and costs [of] said suit shall be a perpetual bar.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXIII.

AN ACT for the relief of John G. Brown,

[APPROVED FEBRUARY 4, 1836.]

Whereas, in the life time of Ebenezer Sharpe, late agent of the State of Indiana for the town of Indianapolis, John G. Brown acquired a right to a conveyance from the state for lot numbered nine, in square numbered thirty-six in the town of Indianapolis: and whereas the said Ebenezer Sharpe agent as aforesaid departed this life without delivering such conveyance: and whereas, the said John G. Brown is now the agent of the state for the town aforesaid, and he is incompetent to execute a conveyance in his official capacity to himself individually: therefore,

Be it enacted by the General Assembly of the State of Indiana,
That the Governor, be, and he is hereby authorized on being satisfied of the above preamble, to execute with the seal of the State annexed a conveyance or letters patent granting the lot of land aforesaid to the said John G. Brown and his heirs and assigns forever, in fee simple, and that the Secretary of State countersign the same, and make record thereof in his office among the records of other executive acts concerning the town of Indianapolis.

CHAPTER CXIV.

AN ACT to authorize Joseph D. Clark, a minor, to sell real estate.

[APPROVED, JANUARY 2, 1836.]

Be it enacted by the General Assembly of the state of Indiana,
That Joseph D. Clark, of the county of Putnam and State aforesaid, son of Thomas H. Clark, and a minor under the age of twenty-one years, be, and he is hereby authorized to sell, at private sale, the east half of out lot number thirty-six (36) in the town of Terre-Haute, county of Vigo, State of Indiana, and that said Joseph D. Clark be authorized to execute a conveyance to the purchaser thereof; which conveyance when regularly made shall vest in said purchaser a complete and indefeasible title in fee simple to said property.

This act to be in force from and after its passage.

CHAPTER CXV.

AN ACT to legalize the marriage of Derastus Fry and Snodgrass.

(APPROVED FEBRUARY 8, 1836.)

Whereas, it has been represented to this General Assembly, that in the year one thousand eight hundred and thirty-five Derastus Fry and one Miss Snodgrass, were joined in marriage by one John P. Banks, supposed by them to be a minister of the gospel in regular standing in the christian church in this State, and it also appearing that said Banks, was not entitled to such regular standing nor authorized, in any manner, to celebrate the rites of marriage as aforesaid, on which account said marriage is not a legal one, not in accordance with the laws of the State of Indiana, from which great inconvenience may arise to the aforesaid persons; for remedy whereof,

Be it enacted by the General Assembly of the State of Indiana,
That the marriage of Derastus Fry and one Miss Snodgrass of the county of Hancock in this State, as solemnized by John P. Banks, be and the same is hereby legalized.

This act to take effect and to be in force from and after its passage.

CHAPTER CXVI.

AN ACT appropriating certain portions of the three per cent. fund in Dearborn county.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,*
That of the three per cent. fund now due to the county of Dearborn, the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the building of a bridge across Arnold's creek where the state road from Lawrenceburgh to Madison crosses the same, the same to be expended under the direction of Col. Pinckney James of said county: *Provided however,* That the sum above specified shall be appropriated as aforesaid on condition that the citizens of said county or elsewhere shall subscribe and pay a sum in addition thereto, sufficient to finish such bridge.

SEC. 2. That the sum of three hundred and fifty dollars of said three per cent. fund falling due as aforesaid to said county of Dearborn, be and the same is hereby appropriated as follows, to wit: two hundred dollars, on the state road from Lawrenceburgh to Rising sun in said county, to be appropriated under the direction of John J. French of said county, and one hundred and fifty dollars on the state

road between Aurora and the town of Manchester, under the direction of William Dills.

This act to be in force from and after its passage.

CHAPTER CXVII.

AN ACT for the relief of Elizabeth Nowland, widow of Matthias Nowland, deceased.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Auditor audit, and the Treasurer of State pay Elizabeth Nowland the sum of sixty dollars out of any money in the treasury not otherwise appropriated, for certain improvements made by her deceased husband Matthias Nowland, on the donation lands in the town of Indianapolis.

This act to take effect and be in force from and after its passage.

CHAPTER CXVIII.

AN ACT for the relief of Stephen Trickle.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Jasper so soon as said county shall be organized are hereby authorized and directed to pay to Stephen Trickle the sum of thirty dollars out of the county treasury, the said amount being due to said Trickle for duties by him performed in locating a state road from Lafayette to Sugar grove in said county in pursuance of an act to establish said road, approved February 3, 1832.

This act to be in force from and after its passage.

CHAPTER CXIX.

AN ACT to authorize the holding of an additional term of the Circuit Court for the county of Floyd.

(APPROVED FEBRUARY, 1, 1836.)

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,*

That it shall be and is hereby made the duty of the judges of the Floyd circuit court to hold an additional term of said court, to commence on the second Monday in August, and to continue for two weeks, should the business require it.

SEC. 2. It shall be the duty of said court on the first day of its term to order the sheriff or coroner of said county to summon such number of legal jurors as to said court may seem proper; which jurors shall be by him the said sheriff or coroner, summoned from the neighborhood, as in other cases.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CXX.

AN ACT to authorize the sale of certain real estate of James Johnson, late of Indianapolis, deceased.

(APPROVED FEBRUARY 1, 1836.)

That Seton W. Norris be and he is hereby appointed a commissioner with full power to sell all the right, title, interest, claim, and demand, that Ann James Johnson, infant daughter of James Johnson, late of Indianapolis, deceased, has in and to a lot of ground in the town of Indianapolis being the undivided half of twenty eight, (28) feet ten inches (10), on Washington street of lot number five, in square number sixty five, on the plat of said town.

SEC. 2. That said Norris shall sell said lot for one half cash in hand, the balance to be paid at such time as he shall deem for the interest of the estate, within one year from the day of sale.

SEC. 3. Said Norris shall pay and satisfy out of that part of the purchase money paid in hand, the balance due from the estate of said Johnson to Daniel Yandes, being a part of the purchase money for said lot; and out of the remainder of said first payment on said sale, to pay the amount of a mortgage now due from said decedent, to Homer Brooks, and the balance, if any, to be paid over to the administrator, and applied by him to the payment of other debts due from said estate.

SEC. 4. Said Yandes upon being paid the balance due him for said lot is hereby authorized on the order of the administrator to make to the purchaser thereof such title to the same, as he is bound to make to the decedent. And the administrator of said estate shall enter a release upon the bond of said Yandes for the amount due for said lot, which release shall forever bar any and all claims of the said Ann James Johnson to said lot or any part thereof, or on the said Daniel Yandes for a failure to convey agreeably to the tenor of said bond.

This act to be in force from and after its passage.

CHAPTER CXXI.

AN ACT to change the name of Middleton in the county of Tippecanoe, to West Point.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That the name of the town of Middleton in the county of Tippecanoe, be and the same is hereby altered and changed, and shall hereafter be known and designated by the name of West Point; which said name of West Point, the Recorder of said county is hereby fully authorized and directed to record upon the plat of the town of Middleton, as recorded in the records of his office, which said name, when so recorded shall be taken and recognized as the true and proper name of said town in all cases whatever.

SEC. 2. All deeds of conveyance, bonds, bills, notes or any writing obligatory, given and taken, in which the name of said town forms any substantial or consequential part, and all vested rights shall in no wise be effected or impaired by said change.

This act to be in force from and after its passage.

CHAPTER CXXII.

AN ACT for the relief of Elias Murray.

(APPROVED FEBRUARY 8, 1836.)

Whereas Elias Murray of Huntington county, was appointed by the county commissioners of Huntington county, a commissioner to view, mark and locate a state road from the Ohio line, near Fort Recovery, thence down the Wabash River to the town of Huntington, and from thence to the town of Goshen in Elkhart, under the provisions of an act entitled "an act for the location of a state road from a point on the Ohio line, near fort Recovery to the town of Goshen in Elkhart county" approved February 1, 1834, S. D. Woodworth the commissioner appointed by said act, having refused to serve; and whereas the said Elias Murray has expended much time, and large sums of money, in the employment of surveyors, chain carriers, and in the location of said road, and whereas the said Elias Murray has never received from the counties of Kosciusko and Elkhart, any compensation for his services in locating that part of said road, which runs through said counties. Therefore

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That the agent of the three per cent fund, be and he is hereby directed to pay to the said Elias Murray out of the three per cent due the county of Randolph, the sum of one hundred and fifty-seven dollars and fifty cents, and out of the three percent fund due to the

counties of Elkhart and Kosciusko, the sum of one hundred and seventy seven dollars and seventy five cents, the same to be paid out of the fund belonging to the two last named counties, in an amount proportioned to the length of the said road in each of the said counties.

SEC. 2. In order to enable the said agent to ascertain the amount to be paid from each of the said counties of Elkhart and Kosciusko, it shall be the duty of the said Elias Murray to furnish the said agent with a statement of the length of said road in each of said counties, by which said agent shall be governed, in making the payment from the fund belonging to said counties.

SEC. 3. The said agent is hereby directed to retain the above amount in his hands out of any funds now due said counties, or of the first that may come into his hands due the same, and to pay the same to the said Elias Murray whenever called on.

This act to be in force from and after its passage.

CHAPTER CXXIII.

AN ACT in relation to certain sections of the Wabash and Erie Canal.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana. That the board of Internal Improvement be, and are hereby directed to cause to be paid to the contractors, their agents or representatives, on sections one hundred and fifteen and one hundred and sixteen and one hundred and seventeen of the Wabash and Erie Canal, the value of constructing said section, so soon as the work on said sections is completed agreeably to the estimate made by the state engineer, previous to the letting of said contracts; they shall also cause their engineer to make an estimate of the fair cash value of constructing feeder dam, number three, with all the work attached thereto, included in the contract for the construction of said dam, so soon as the same is completed, and pay the amount of such estimate to the contractor, his heirs or legal representatives.

SEC. 2. The said board of Internal Improvement, shall make a report of the estimate of said work and the amount paid, at the next session of the legislature.

This act to take effect and be in force from and after its passage

CHAPTER CXXIV.

AN ACT for the relief of Wilson Anderson.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the circuit court of the county of Scott, be, and the same is hereby authorized and required to change the venue in the case now pending in said court, wherein the State of Indiana is plaintiff, and Wilson Anderson is defendant, on indictment for larceny, to the county of Jefferson, or such other court, as the presiding judge in vacation or the court in term time, may direct, upon application of said Anderson, by himself or attorney: And it is hereby made the duty of the Scott county circuit court, or presiding judge thereof in vacation, to recognise the said Wilson Anderson and the witnesses of the state, to appear at the court to which said cause may be sent.

SEC. 2. On such application being made, and change of venue taken, the clerk of the circuit court of Scott county, is hereby required to forward all the papers connected with the cause to the clerk of the circuit court of the county to which such venue may be changed under the same regulations as are prescribed in an act entitled "An act prescribing the mode of changing the venue," approved January 28, 1821.

SEC. 3. The circuit court of the county to which said change of venue may be taken, shall have full power and authority to hear, try, and determine said cause, and to summon and recognize witnesses; and do and perform all other things necessary and proper for the trial of said cause, in the same manner they could have done, had said cause originated in said county.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXXV.

AN ACT to appropriate a part of the three per cent. fund and for other purposes.

(APPROVED FEBRUARY 5, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of one hundred dollars, out of that part of the three per cent. fund, which has heretofore, or may hereafter be appropriated to the county of Monroe, be, and the same is hereby appropriated to aid in the construction of a bridge across Salt creek, in said county, at Wissenand's Ferry, where the Bloomington and Salem

state road crosses the same, and that Henry Buckhart be, and he is hereby appointed a commissioner to lay out and expend said sum; and also the sum of two hundred dollars, heretofore appropriated for the same purpose, by virtue of an act entitled "an act to appropriate a part of the three per cent. fund," approved February 7th, 1835, and that he be governed in every particular, in the expending of said money, by the provisions of the above recited act.

SEC. 2. That Clear creek from its mouth up to Padget's bridge, on the Bloomington and Bedford state road, in the county aforesaid, be, and the same is hereby declared to be a public highway; that the sum of seventy five dollars, out of that part of the three per cent. fund, which has heretofore, or may hereafter be appropriated to said county, be appropriated to the clearing out of said creek from said bridge down to the county line of said county; and that George Finaley be appointed the commissioner to lay out and expend said money to the improvement of said creek; and that the commissioner aforesaid be governed in every particular, as the commissioner named in the first section of this act.

SEC. 3. All acts or parts of acts, coming within the perview of this act be, and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER CXXVI.

AN ACT to authorize certain persons therein named, to erect a dam across the St. Joseph River.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Garret V. Denniston and Joseph Fellows be, and they are hereby authorized to erect a dam across the St. Joseph River, at the head of the rapids, at or near the town of South Bend, in St. Joseph's county, which dam shall not exceed the height of four feet of perpendicular elevation; and that the said dam be built and erected in such a manner as that the same shall not impede the downward passage of rafts, nor the passage of fish; provided that the said Denniston and Fellows shall erect and keep up in constant repair, one lock for the passage of steamboats, and other water craft, used on said river, to be not less than one hundred and fifty feet in length, and of sufficient width to admit the largest boats or craft navigating said river, said lock not to be less in width than thirty feet in the clear, and also to keep up a race or canal of sufficient size and capacity to admit an easy and safe passage for boats and other craft around said dam; And provided also, that said Denniston and Fellows shall cause said lock to be attended, at all times without delay by a competent num-

ber of hands to fill and empty the same, as may be required for the passage of any boat, raft or craft.

SEC. 2. That if the said Garret V. Denniston and Joseph Fellows, or any agent, servant or manager of theirs, or any person or persons holding or enjoying said premises, in any manner, under them, shall neglect or refuse to give passage to any boat, raft or craft through said lock, on said race or canal within a reasonable time after demand made, they or any of them so refusing or neglecting as aforesaid shall upon conviction thereof by presentment or indictment, be fined in any sum not less than ten dollars in the discretion of the jury trying the case, and moreover be liable to the party injured in treble damages, to be recovered before any court having competent jurisdiction thereof. And if the said lock, race or canal, should be injured by the flood, the caving in of the banks or any other unavoidable cause, so as to interrupt the easy and safe passage of boats, &c. as aforesaid, it shall be the duty of the said Denniston and Fellows to have the injury so done immediately repaired, and such repairing shall in no instance exceed the period of twenty five days, (and a failure to do so) shall operate as a forfeiture of the privilege granted by this act, and any person may sue out of the St. Joseph circuit court a *scire facias* against the person or persons holding as aforesaid, setting forth such refusal and neglect, and if upon the trial of the matters set forth in such *scire facias*, the same shall be found against the defendant or defendants therein, the said court shall render judgment thereon, that the privilege hereby granted be forfeited, and shall moreover order that said dam shall be abated by the sheriff, in the same manner that other nuisances are abated, and such *scire facias* or any other process which may issue under the provisions of this act, may in case the defendant or defendants themselves cannot be found, be served upon any agent or manager, or other person in the employ of the defendant or defendants in or about the said dam or business of said defendants thereto attached; and such service upon such agent, manager or other person in the employ of the defendant or defendants, as aforesaid, shall be taken and deemed to be service upon such defendant or defendants in such process, and the same proceedings shall be had to judgment and execution, as though the process had been served upon the defendant or defendants personally.

SEC. 3. Should any person in consequence of the privilege hereby granted, sustain any injury, either in person or property, he or she shall be entitled, by action on the case, to recover of said company such damages as may be an adequate compensation, in any court having jurisdiction thereof.

This act to be in force from and after its passage.

CHAPTER CXXVII.

AN ACT to continue in force an act, entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Parke county," approved December 28, 1832; and also an act amendatory thereto, approved January 8, 1834; and amendatory of an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Spencer county," approved December 27, 1833.

[APPROVED, FEBRUARY 1, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited acts be, and they are hereby continued in full force for the term of ten years, from and after the passage of this act.

SEC. 2. *Be it further enacted,* That Thomas P. Britton, clerk of the county of Spencer, and his successors in office, be, and he is hereby authorized to carry into effect all the duties of the commissioner appointed under the provisions of said act "for the benefit of persons likely to suffer by the destruction of the records of Spencer county," and that he shall receive as a compensation for his services, hereby required, for taking the necessary proof of each deed and recording the same, one dollar, and for other services, the fees that are allowed clerks of the Circuit Court in civil cases, to be paid by the person making application for such services.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

AN ACT appropriating so much of the three per cent. fund as is now due to Greene county.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of six hundred dollars, now due the county of Greene from the three per cent. fund, be and the same is hereby appropriated in the manner following, to wit: one hundred dollars to the completion of the Eel river bridge; thirty dollars to the completion of Slinkard's bridge; two hundred and seventy dollars to the improvement and bridging of so much of the Bloomfield and Wood's ferry road, east of Bloomfield, as lies within said county; one hundred dollars to the opening and improving of the road from Bloomfield via Lester's ferry, to the intersection of said road with the Terre-Haute road at, or near, Jesse Elgin's; and the residue of said sum of six hundred dollars to aid the citizens of Fairplay township in building

a bridge over Latta's creek, [where] the last mentioned road crosses the same.

SEC. 2. *Be it further enacted,* That John T. Freeland be, and he is hereby appointed a commissioner to draw said sum of six hundred dollars from the Agent of the three per cent. fund; and it is hereby made the duty of John T. Freeland to pay to Caleb Jessup one hundred dollars, who is hereby appointed a commissioner to expend the same on the Eel river bridge; to pay to Andrew Slinkard thirty dollars, who is hereby appointed a commissioner to expend the same on Slinkard's bridge; and the said John T. Freland is hereby authorized to retain, in his hand, the sum of two hundred and seventy dollars, hereby appropriated to the Wood's ferry road, and expend the same thereon, and also to make such changes in said road as shall be most conducive to the public interest; and [it] is further made the duty of the said John T. Freland to pay the residue of said sum of six hundred dollars to Peter Hill, who is hereby appointed a commissioner to superintend the building the bridge over Latta's creek, and expending the same on said bridge and road.

SEC. 3. It shall be the duty of the several persons herein named as commissioners, at the first meeting, after the passage of this act, of the board of county commissioners of said county, to enter into bond, with security to be approved by said board, payable to the State of Indiana, in double the amount received by each of said commissioners, conditioned for the faithful performance of the duties herein imposed on said commissioners.

SEC. 4. So soon as the said John T. Freland shall enter into bond as prescribed by the third section of this act, and shall file an attested copy thereof with the Agent of the three per cent. fund, it shall be the duty of said Agent to pay said John T. Freland the sum herein appropriated to said county.

This act to be in force from and after its passage.

CHAPTER CXXIX.

AN ACT to amend the several acts for the promotion of schools and education in Clark's Grant.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the common school commissioner of Clark's Grant, immediately after the passage of this act, forthwith to call a meeting of the qualified voters of each of the congressional townships and fractional townships within Clark county, by posting up written notices thereof, at three or more public places in each township, at least twenty days prior to the time of such meeting, to

be held as near the centre of each township or fractional township as may be convenient, so far as the same is within the boundaries of said county, for the purpose of electing three trustees in each township or fractional township, who shall be householders or freeholders of the same; and also to determine what disposition shall be made of the school lands which remain unsold, whether set apart or donated by Congress for school purposes, in their respective townships.

SEC. 2. It shall be the further duty of the said commissioner to appoint an inspector, in and for each township or fractional township, enter the same on record in his office, and, at least ten days before the time appointed for such meetings, forward a certified copy of such appointment to each of the individuals so appointed; and the judges and clerks of such elections shall make such returns, and the commissioner aforesaid shall make such entries and give such certificates as are directed by the 37th and 38th sections of the act to which this act is an amendment.

SEC. 3. The elections aforesaid shall be conducted in the same manner, under the same restrictions, and with the same regulations, that are provided for the election of trustees by the act incorporating congressional townships and providing for public schools therein, approved February 2, 1833; and the said trustees, when so elected, shall be qualified in the same manner, have the same powers, be governed by the same regulations, liable to the same penalties, and be required to do all things in regard to the organizing of their district schools, as are provided for the trustees elected and serving under the provisions of the last named act.

SEC. 4. Whenever the school commissioner aforesaid shall have fixed the prices or value of six sections, and one half section of land or any part thereof; which was granted to Clark's Grant for school purposes, by an act of Congress, approved the 7th day of May, 1822, as is directed by the act to which this is an amendment, he shall proceed to sell the same on such terms as will procure the best possible price, and vest the proceeds thereof in the purchase of lands or real estate, in stock of the state bank of Indiana, by loans to individuals or otherwise, as may be most conducive to the interest and benefit of said Grant in the school fund thereof: *Provided however,* That in purchasing lands or real estate, or in loaning the proceeds aforesaid, to individuals, he shall make all such purchases in the said Grant, and all loans exclusively to the freehold inhabitants thereof, in such manner and form as was directed to the trustees of said Grant, by "an act to establish a board of trustees for the promotion of schools and education in Clark's Grant," approved January 28th, 1824: *And provided also,* That said commissioner shall make all sales, at such times and places, and with such necessary advertisements, and certify to the recorder of Clark county, as is provided by the act to which this is an amendment: *And provided also,* That if the aforesaid lands or any part thereof, shall be sold on a credit, there

shall in all cases be at least one fourth part of the purchase money paid down, and the purchaser shall pay on the residue whatsoever the same may be, ten per cent. per annum in advance, and deposit all such interest and principal, that may become due after the first payment, in the Branch of the State Bank at Indianapolis, within twenty days after the same shall become due, payable to the order of the common school commissioner of Clark's Grant, at the Branch of the State Bank at New Albany; and a failure to pay either said principal or interest as aforesaid, shall be a forfeiture of all moneys and interest before paid by such purchaser, and the title of said land shall be again vested in the school fund of Clark's Grant, and liable to the immediate use and disposal of the same.

SEC. 5. It shall be the duty of the clerk of the Circuit Court of Clark county, to make out and deliver to the aforesaid commissioner of Clark's Grant, a certified copy of the delinquent lists of land and lots returned by the collectors of said county to the board of commissioners of said county, for the years 1833, 1834 and 1835, together with a correct list of all the lands and lots which have been redeemed in that time, and previous to the 1st day of December 1835, stating particularly, the time when such lands were returned, the amount of tax due, when redeemed, together with the separate amount of the percentage and interest which were due when the said lands and lots were redeemed. And the said commissioner shall make his returns to the Treasurer of State and Prosecuting Attorney of his judicial district, from such certified copy, and shall not be liable for any errors in his returns: *Provided*, They shall have originated in the certified copy of the clerk of the Circuit Court, as delivered by him to said commissioners.

SEC. 6. So much of the acts to which this is an amendment, as contravenes the provisions of this act be and the same is hereby repealed.

CHAPTER CXXX.

AN ACT to empower Alexis Coquillard and others to drain off the waters of the Kankakee ponds in St. Joseph county and for other purposes.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Alexis Coquillard, John A. Henricks, and John Rush, all of the county of St. Joseph, and State of Indiana, are hereby authorized and empowered to excavate a canal or race, any width that said grantees may deem proper, from the pond or head waters of the Kankakee, south west of the town of South Bend in said county, at any point that the said grantees may fix upon, within five miles of said town; which said canal or race shall terminate at or near said town, as may be most suitable to said grantees.

SEC. 2. That the said grantees, their heirs and assigns, shall have the sole and exclusive use and benefit of the waters so collected and drained off, to be applied to manufacturing or any other purposes what ever, in the discretion of said grantees, their heirs or assigns forever; *Provided*, that in the construction of any public work hereafter by the state, wherein it shall become necessary to resume any of the powers and privileges hereby granted to the said Coquillard, Hendricks and Rush, the state shall resume the same by her proper agents upon paying them the actual cost of such works or improvements as shall be injured thereby together with six per cent. per annum thereon from the time of its last expenditure.

SEC. 3. It shall be lawful for the said grantees, either before or after the location of said canal or race, to obtain from the person or persons through whose land the same may pass, a relinquishment of so much of said land as may be necessary for the location and construction of said canal, and all such relinquishments, made and entered into in writing by any person or persons capable in law to contract and be contracted with, and made in consideration of said location, shall be binding upon both parties in law and equity.

SEC. 4. It shall be the duty of said grantees, whenever any state or county road, now established, or that may hereafter be established, shall cross the said canal or race, to make and keep in repairs good and sufficient causeways or bridges, so that the free use of any state or county road shall not be obstructed.

SEC. 5. That if any person or persons shall, wilfully and knowingly, injure or obstruct said canal or race, or any part thereof or shall break or deface any work or edifice belonging thereto, such person or persons, so offending, shall pay to said grantees, their heirs or assigns, three times the amount of the damages actually sustained, with costs of suit, to be recovered by suit at law, before any court of competent jurisdiction.

SEC. 6. The said grantees, their heirs or assigns, shall commence the construction of the said canal or race at any time within two years, and shall finish the same at any period of time not exceeding five years.

SEC. 7. This act to be in force from and after its passage.

CHAPTER CXXXI.

AN ACT for the relief of James H. King, Recorder of Monroe county.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That James H. King recorder of Monroe county, be authorized to purchase a suitable book, and to transcribe into the same all such

records in his possession pertaining to his office, as may be in so dilapidated a situation as to endanger their safety, for public inspection; that the said record, so transcribed shall be kept open for examination, as the original records were, and have the same validity, force and effect: That the board doing county business in and for said county of Monroe, shall allow said recorder, a fair and reasonable compensation for said book and for his said services, all circumstances therein being considered, when they shall be satisfied that the services have been performed in a proper manner, to be paid out of the county treasury of said county.

This act to be in force from and after its passage.

CHAPTER CXXXII.

AN ACT to authorize the Agent of the State of Indiana, to make a deed, to a certain lot of land adjoining Indianapolis, called the brick yard lot No. 3, to Wilks Reagan.

(APPROVED FEBRUARY 8, 1836.)

Whereas Matthias R. Noland, by the description of M. R. Noland, in the year 1822, purchased from the Agent of State, brick yard lot No. 3, adjoining the town of Indianapolis for the sum of \$80.00, in two payments of \$40.00 each, and before payment died intestate, and Betsy Noland, his wife, was appointed administratrix of his said estate, who, for the want of assets to pay out said lot to the State or the debts of said decedent &c. as mother, and natural guardian of said decedents heirs, and as administratrix of said estate, duly applied to the associate judges, acting as a court of Probate of the county of Marion, Indiana, in the year 1823, and obtained an order of the said court to sell the said two acres of land, by the sheriff of said county, upon due notice given, and for the said administratrix to receive a deed from B. F. Morris, then Agent of State, for said lot, and to make one therefor to the purchaser thereof, when the purchase money should be paid; which said lot in March 1824, was duly sold agreeably to said order to one William Reagan, who purchased for one Wilks Reagan, his brother, or sold the same to him, for the sum of \$31.00, whereby the said William Reagan consented to the making of a deed to the said Wilks Reagan, by the said administratrix, on her receiving full payment, from the said Wilks, of the purchase money, which she fully paid to the said State Agent, but neglected to obtain a deed from him for the same, whereby the title thereunto remains in the State, although the said Wilks Reagan has paid for the same and conveyed the said lot in parcels to various individuals, and by them to others &c: Now, therefore,

Be it enacted by the General Assembly of the State of Indiana, That the person exercising the powers, or acting as Agent of the State for the town of Indianapolis, be and he is hereby authorized and required to make a valid deed in fee simple to the said Wilks Reagan, to said lot, for the use and benefit of all the grantees and holders of said lot, under him, or them, or any of them, so soon as he the said agent is satisfied of the truth of said facts, in substance, or such of them as are material, and to operate as if the same had been made before the said Wilks Reagan aliened said lot, pursuant to said order of court; thereby ratifying and legalizing said proceedings, and confirming the title to the said lot to the said Wilks Reagan and all who hold under him, or his or their grantees.

CHAPTER CXXXIII.

AN ACT to authorize the board doing county business of the county of Franklin to lay off a street in the town of Brookville in said county.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana, That the board doing county business of the county of Franklin, be and they are hereby authorized at their first, or some subsequent session after the taxing effect of this act, to lay off a street upon the east side of the public square in the town of Brookville in the said county of Franklin, the same width (including the alley upon the east side of the said public square) of the other streets in said town; commencing at James street, and thence running north, the width aforesaid, until it intersects Claiborne street in said town.*

SEC. 2. *That when said street shall be laid off, the said board shall cause the same, with a description of its location, to be recorded upon the records of the recorder's office of said county; and the said street from the time the same may be so laid off by said board, shall be taken to be, and forever after remain, for every purpose, as a part of the original plat, or plan of said town; and shall be kept open and repaired as other streets in the said town.*

SEC. 3. *This act to take effect and be in force from and after its passage.*

CHAPTER CXXXIV.

AN ACT for the improvement of the Michigan Road, and for other purposes.

(APPROVED, FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Polke, Commissioner of the Michigan road, be continued in office from and after the second day of February eighteen hundred and thirty-six, to the twentieth day of February eighteen hundred and thirty-seven, after which time the office of commissioner of the Michigan road shall be abolished and discontinued.

SEC. 2. That the said commissioner of the Michigan road shall, between the first day of March and the thirtieth day of November next, proceed to have improved and repaired said road between lake Michigan and the town of Madison, in such manner and at such places as in his opinion, on examination, will be most beneficial to the road, so as to make the same as near as practicable, equally good. The contracts to be let either at public outcry or by private contract, as may be deemed most advantageous to the public interest.

SEC. 3. Said commissioner in making contracts shall be governed by the same rules, regulations and restrictions as are provided for in the act approved Feb. 2, 1832, entitled "an act to provide for selling the Michigan road land, to open that part of the Michigan road between Logansport and lake Michigan and for other purposes," and the several acts supplemental and amendatory thereto, since passed by the General Assembly.

SEC. 4. Said commissioner is hereby required to expend all the available funds that now are, or may come into his hands from the sale of Michigan road lands, during the ensuing year, previous to the thirtieth day of November, in the further improvement of said road.

SEC. 5. Said commissioner is hereby authorized and required to have all existing contracts on said road completed agreeably to the original contracts on or before the tenth day of September next, and when completed, to issue such amount of Michigan road scrip as may be due on such contracts, in the same manner as if said contracts had been completed at the time specified therein: *Provided however,* if said contracts are not completed by the tenth day of September, it shall be the duty of said commissioner to bring suit on the bonds of such contractors as shall by that day fail to have fulfilled said contracts.

SEC. 6. Said commissioner shall, on the twentieth day of January eighteen hundred and thirty seven, pay into the treasury such unexpended balance from the sale of Michigan road lands as may remain in his hands after paying all lawful claims against the Michi-

an road fund, and shall on the same day deliver to the auditor of public accounts, all the books, papers, maps, and charts of every description, appertaining or belonging to his office, and the auditor is hereby authorized to receive said books, papers, maps, and charts, and them safely keep in his office.

SEC. 7. The auditor is hereby authorized to open an office for the entry of such Michigan road lands as remain unsold at the time he receives the books, papers, maps, and charts of the commissioner's office, on the same terms as are now prescribed by the law for the entry of said lands at the commissioner's office; and the number of certificates, granted by the Auditor, shall be a continuation of the numbers, and be of equal validity in law as those issued by the commissioner of the Michigan road.

SEC. 8. Said commissioner, before he proceeds to carry the provisions of this act into effect, shall execute a bond, to be filed in the office of the Secretary of State, with three or more securities to be approved of by the governor, in the penal sum of forty thousand dollars for the faithful performance of his duties.

SEC. 9. There shall be allowed said commissioner out of the Michigan road funds, the sum of four hundred and fifty dollars for his services under the provisions of this act.

SEC. 10. All laws and parts of laws coming within the purview of this act be and they are hereby repealed.

SEC. 11. This act to be in force and take effect from and after its publication in the Indiana Journal and Democrat.

CHAPTER CXXXV.

AN ACT to establish a state road west of the Wabash river in Vigo county.

[APPROVED FEBRUARY 8, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Samuel McQuilkin, Andrew McMahan, and William Ray of the township of Sugar Creek Vigo county or any two of them are hereby authorized to view, mark and locate a state road sixty feet in width on the most eligible ground, commencing at a point (near the west corner of Hugh Scott's field) on the national road in said county, running thence to the nearest and best point on the old county road in the direction of Paris Illinois, which said road when so viewed, marked and located, together with the old county road aforesaid from the point of such connection to the state line in the direction aforesaid, shall be and the same is hereby declared a state road.

SEC. 2. The commissioners above named after making such location, shall file a report of the same in the office of the clerk of said

county, whose duty it shall be to record the same: *Provided however,* That such location shall be made without expense to the county.

This act to take effect and be in force from and after its passage.

CHAPTER CXXXVI.

AN ACT to amend the act entitled "an act to establish a State road from Martinsville in Morgan county via Middletown in Owen county to John Chances ferry on Eel river, thence to Hayne's old cabin in Vigo county, approved January 31st 1835.

(APPROVED FEBRUARY 6. 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Lockridge of the county of Owen and John Lathom of Clay county be and they are hereby appointed commissioners, in place of Levi Cromwell and William Asher the commissioners appointed by the first section of the act to which this is an amendment, (who refused to serve.)

SEC. 2. The commissioners appointed in this act shall be governed in all respects by the provision of the act to which this is an amendment.

SEC. 3. The commissioners above appointed shall meet at the town of Middletown in Owen county, on the first Monday in May next or as soon thereafter as may be convenient to perform the duties enjoined on them by the act to which this is amendatory.

This act to be in force from and after its passage.

CHAPTER CXXXVII.

AN ACT to establish a certain state road.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Spencer of the county of Allen be and is hereby appointed a commissioner to view, mark and locate a state road, from that point on the eastern boundary of the state line, where the Bucyrus road intersects the same, thence to intersect the road leading from Fort Wayne to Defrainde, at or near Joseph Townsend's mill. The said commissioner shall locate the road on the most eligible ground between the said points, and before the first day of June next, and in thirty days after, he shall have located the same, he shall file a re-

port in the clerks office for said county, that the same may be recorded as the reports of the location of other state roads.

SEC. 2. The said commissioner may appoint a surveyor, chain carriers and other hands, if he deems the same expedient, and they shall be paid out of the treasury of said county that which would be just and reasonable for said service, and the board of commissioners of said county shall allow what is just and right to said commissioner for his service.

SEC. 3. It shall be the duty of the board of commissioners for said county to order the said road to be opened to any width not exceeding forty feet, and to keep the same in repair.

This act to be in force from and after its passage.

CHAPTER CXXXVIII.

AN ACT supplemental to an act entitled "an act establishing as a state road, the county road from Livonia to George Becks" approved January 30, 1836.

(APPROVED, FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Keith Porter, the commissioner appointed in the act to which this is supplementary, be, and he is hereby authorized to locate the said road on any suitable ground between those points; and nothing in said act, shall be so construed as to prevent said commissioner from making such changes in such road, as the public interest may require.

This act shall be in force from and after its passage.

CHAPTER CXXXIX.

AN ACT authorizing the location of a state road.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Henry Conrad and John Hopkins be, and they are hereby appointed commissioners to locate, mark and lay out a state road from Stanfield's mills in Jackson county, to the Madison and Indianapolis state road, near the crossing of Big creek in Jefferson county: and when laid out they shall deposit in the clerk's office of the several counties, through which the same may pass, [a report of] so much thereof, as [is] in the proper county, describing the ground on which they had so located said road; for which the coun-

ty commissioners of the respective counties, shall make said commissioners a reasonable allowance, in proportion to the length of said road in each county through which the same passes.

SEC. 2. The commissioners shall meet at such day as may suit their own convenience.

CHAPTER CXL.

AN ACT to declare two certain roads therein named, state roads.

(APPROVED, FEBRUARY 8, 1836.)

Be it enacted by the Genrnl Assembly of the State of Indiana, That so much of the road commonly called the Governor's trace, within Crawford county as lies between the Jasper and New Albany state road, and the Paoli and Leavenworth state road; and that the road from Madison to Paris, by the way of Amos Mounts and Ramsay's mill, be, and the same are hereby declared state roads.

CHAPTER CXLI.

AN ACT for the re-location and improvement of certain state roads therein named.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Jonathan Nichols and Henry Berkey of the county of Monroe, and John Brown of the county of Lawrence, be, and they are hereby appointed commissioners to relocate so much of the Martinsville and Bloomington state road, as lies between the northern boundary line of Monroe county and Bloomington, and also so much of the Bloomington and Bedford state road as lies between those two points.

SEC. 2. The commissioners aforesaid shall take an oath or affirmation, faithfully and impartially, to discharge the duties assigned them by this act; whereupon they shall proceed to re-locate said road, making such changes as the public interest may require; Provided, That in the re-location of said road the commissioners aforesaid shall have due regard to the rights of private individuals. And the commissioners aforesaid shall meet at Bloomington, on the first Monday in April next; and they shall make report of their proceedings to the board doing county business, in the counties aforesaid on or before the meetings of the said boards in May next. The boards aforesaid shall cause the reports to be entered on record, and they shall make to them a reasonable allowance for their services aforesaid.

SEC. 3. That the sum of three hundred dollars, out of that part of

the three per cent. fund which has heretofore or may hereafter, be appropriated to the county of Monroe, be, and the same is hereby appropriated to the improvement of so much of said roads, as lies within Monroe county, to be applied under the direction of Jonathan Nichols and Henry Berkey, the commissioners in the first section of this act named, and they shall give bond and security in double the amount of money by them to be expended, which bond shall be made payable to the State of Indiana; and they shall be allowed for their services, in expending said money a reasonable compensation, to be deducted out of the funds which may come into their hands, said allowance to be made by the board doing county business in Monroe county.

SEC. 4. That the sum of one hundred dollars, out of that part of the three per cent. fund which has heretofore, or may hereafter, be appropriated to the county of Lawrence, be, and the same is hereby appropriated to the improvement of so much of the Bedford and Bloomington state road, as lies within Lawrence county, and that John Brown, the commissioner named in the first section of this act, be authorized to expend said sum upon said road, and that he be governed, in all particulars, as the commissioners are required to be governed, in the third section of this act; and it shall further be the duty of the boards doing county business to give to said commissioners, in their respective counties, an attested order to draw said money from the commissioner holding the same, in the counties in which they reside. The boards doing county business, in said counties of Lawrence and Monroe, shall cause said roads to be opened such width as they may (for the public interest) deem necessary; and they shall at their first meeting after the commissioners aforesaid shall make report of their proceeding to said boards doing county business, cause to be entered on their record the width the said roads shall be opened.

This act to be in force from and after its passage.

CHAPTER CXLII.

AN ACT to amend an act, entitled, "An act to establish a state road from Bedford in Lawrence county via Washington in Daviess county, to the rapids of the Wabash river at or near the mouth of White river," approved, January 20, 1834.

(APPROVED JANUARY 27, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of the act to which this is an amendment as appoints John Allen senior of Daviess county, William Herriman of Martin county and Henry Terbut of Knox county, commissioners to view,

mark and locate the state road in said act mentioned, be and the same is hereby repealed.

SEC. 2. That John Allen of Daviess county, George Moore of Martin county and Clayton Rogers of Knox county be, and they are hereby appointed such commissioners as aforesaid in lieu of the said commissioners in the first section of this act mentioned, and shall be subject to and governed by the several provisions of the act to which this is an amendment.

SEC. 3. The commissioners last aforesaid for the purpose of viewing marking and locating the said state road shall meet at the dwelling house of Noah Boon, in Lawrence county or at such other place as they may appoint on the second Monday of May next or as soon thereafter as a majority of them may think proper.

CHAPTER CXLIH.

AN ACT to alter and change a part of the Mooresville, Danville and Crawfordsville state road.

(APPROVED, FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the state road leading from Mooresville via Danville to Crawfordsville, as lies between George Hartman's and Danville in Hendricks county, be so changed as to run on the old county road, from the said Hartman's to the town of Danville.

SEC. 2. The board doing county business in the county of Hendricks shall if they deem it for the public good, so alter said road through the farm of David Matlock, by the consent of the said Matlock as to run the same straight, from where Jacob Spicklemire formerly lived, to the bridge in said Matlock's lane.

SEC. 3. *And be it further enacted,* That the former location of said road, between the above named points be, and the same is hereby vacated.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CXLIV.

AN ACT to locate a state road from Greencastle in Putnam county via Carthage in said county to Martinsville in Morgan county.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Isaac Alspaugh of the county of Putnam and John W. Cox,

of the county of Morgan, are authorized to view, mark and locate a state road, commencing at Greencastle in Putnam county, from thence to Carthage in said last mentioned county, to Martinsville in Morgan county.

SEC. 2. The commissioners aforesaid shall proceed on the first Monday in May next or as soon thereafter as may be convenient, first taking an oath faithfully and impartially to discharge the duty required of them by this act, to view, mark and locate said road and shall make all necessary surveys, taking with them a sufficient number of chain carriers and markers for that purpose, and shall within twenty days after the location thereof cause a report of the same to be filed in each of the clerk's offices of the counties through which said road runs; and it shall be the duty of said clerks to record the reports made by such commissioners, in the record books of the boards doing county business.

SEC. 3. It shall be the duty of said boards at their next terms after the filing of said reports to cause said road to be opened not exceeding forty feet wide, in the same manner as is now, or may be hereafter provided for opening and repairing state roads and other public highways.

SEC. 4. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make to said commissioners, chain carriers, marker and surveyor to be employed by said commissioners, such allowances as to them shall seem reasonable, which shall be paid by the counties aforesaid in proportion to the distance of said road in each county, out any money not otherwise appropriated.

SEC. 5. That so much of the county road leading from Martinsville, on a direction to Greencastle as lies within Morgan county, shall be declared a state road.

SEC. 6. It is hereby made the duty of said commissioners to have respect to private property, in locating said road where it will not materially increase the distance thereof.

This act to take effect and to be in force from and after its passage.

CHAPTER CXLV.

AN ACT to vacate a part of the Mooresville, Danville and Crawfordsville state road.

(APPROVED, FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the Mooresville, Danville and Crawfordsville state road as lies between Danville and the forks of said road near John

Flather's farm in the county of Hendricks, be, and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXLVI.

AN ACT to amend an act entitled "an act to relocate a certain state road in the counties of Hancock and Henry," approved February 7, 1833.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Meredith Gosney of the county of Hancock, be and he is hereby appointed a commissioner to carry into effect the provisions of an act, entitled "an act to relocate a certain state road in the counties of Hancock and Henry," approved February 7, 1835.

SEC. 2. That whenever hereafter a vacancy occurs in the office of commissioner to relocate the road aforesaid, as contemplated by the act to which this is an amendment, it shall be the duty of the board doing county business in the county of Hancock to fill the same.

SEC. 3. It shall be the duty of said commissioner in making such location, to locate the said road *via* William Prigg's mill in Madison county, to Middletown in Henry county.

This act to take effect and be in force from and after its passage.

CHAPTER CXLVII.

AN ACT to authorize a review of a part of the Cumberland and Huntington state road.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Wharton of the county of Delaware be, and he is hereby appointed a commissioner to relocate that part of the Cumberland and Huntington state road, which lies between the house of Robert Sanders and the town of Cumberland.

SEC. 2. Said commissioner shall on the first Monday in March next, or on some subsequent day, proceed to relocate and mark that part of said road; and within thirty days after he has completed the same shall report his proceedings to the clerk of the Delaware circuit court, which shall be, by him recorded in the record book of said county.

CHAPTER CXLVIII.

AN ACT to locate a State road in Posey county.

(APPROVED FEBRUARY 6, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from New Harmony to Webb's ferry on the Wabash be, and the same is hereby declared to be a State road; to be opened and repaired in the same manner as other State roads.

SEC. 2. That George W. L. White, Robert Todd and John T. Morehead be, and the same are hereby appointed commissioners to survey and relocate such part of said road as they may deem advisable; for which they shall receive the sum of one dollar per day, for each day necessarily engaged, to be paid out of the county treasury of Posey county.

This act to be in force from and after its publication.

CHAPTER CXLIX.

AN ACT to legalize the proceedings of Rezin Malott, a Road Commissioner.

(APPROVED, FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the proceedings of Rezin Malott, as commissioner to view, mark and locate a State road from Marion in Grant county, to the town of Huntington, as authorized by an act entitled "an act to provide for the location of a State road from Marion in Grant county, to Huntington," approved February 6, 1835, be, and the same are hereby legalized; and the clerks of the several counties are required to receive his report, and record the same; and the county boards are required to make him the same allowance, they would have done, had he been sworn previous to entering upon his duties as such commissioner: *Provided however,* That he shall be sworn, that he has, in all things, performed his duty faithfully as required by the aforesaid act.

CHAPTER CL.

AN ACT to appropriate a part of the three per cent. fund in the county of Orange.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Hollowell, junior, of the county of Orange be, and he is

hereby appointed commissioner on road number eight, so much thereof as lies within the county of Orange; said commissioner is hereby authorized and required to call upon the Treasurer of State and draw two hundred dollars of the three per cent. fund heretofore appropriated to the county of Orange, and to expend and appropriate the same to the improvement of said road, as lies within the county of Orange.

SEC. 2. That James Downer of the county of Orange be, and he is hereby appointed a commissioner on so much of the State road from Orleans in said county, to Milltown in Crawford county, as lies within the county of Orange, and one hundred dollars of the three per cent. fund heretofore appropriated to said county, is hereby appropriated to the improvement of said road; said sum of one hundred dollars, the said James Downer is hereby authorized to receive from the treasury of State, out of the appropriations of said three per cent. fund, heretofore made to the said county of Orange.

SEC. 3. *Be it further enacted*, That Col. Jesse Reed of the county of Orange be, and he is hereby appointed commissioner on the State road within the county of Orange as lies between Livonia in the county of Washington, and by the way of Orleans, to George French's in the county of Orange, and he is hereby authorized and required to call upon the Treasurer of State and draw two hundred dollars of the three per cent. fund, heretofore appropriated to the county of Orange, and to expend and appropriate the same to the improvement of said road, so much thereof as lies within the county of Orange.

SEC. 4. *Be it further enacted*, That Jarvis Smith of the county of Orange be, and he is hereby appointed commissioner on the State road between the towns of Livonia and Paoli, and he is hereby authorized and required to call upon the Treasurer of State and draw and receive one hundred dollars of the three per cent. fund heretofore appropriated to the county of Orange, and to expend and appropriate the same to the improvement of said road, as lies within the county of Orange.

SEC. 5. That the commissioners aforesaid shall, before entering upon the discharge of their duties, give bond and security to the satisfaction of the board doing county business, in double the amount of money to be expended; said bond made payable to the State of Indiana, and they shall also take an oath faithfully to discharge the duties required of them by this act, and the board doing county business shall make an order in favor of the respective commissioners, a certified copy of which, shall be sufficient authority for the commissioner holding the same to draw upon the person having the charge of the said three per cent. fund.

SEC. 6. That the commissioners aforesaid shall make settlement, annually, with said board doing county business, and shall be allowed by said board, one dollar and twenty-five cents per day as a compensation for his services, to be paid out of the funds in his hands.

SEC. 7. So much of the act entitled "an act to provide for the improvement of the navigation of the Wabash river, approved February 1, 1834, as relates to the application, under the direction of the board doing county business in the said county of Orange, of the three per cent. fund therein appropriated to the said county, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CLI.

AN ACT appointing commissioners to review and extend a state road in Switzerland county.

(APPROVED, JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Samuel Howard and Joseph Wilson, be, and they are hereby appointed commissioners, for the purposes hereinafter named.

SEC. 2. The said commissioners are hereby empowered to review and relocate so much of the state road, running from the Barkworks in Switzerland county, Indiana to New York in said county, as lies between the top of the River Hill and said town of New York, and they are also empowered to view, mark and locate a state road from some point at or near the said town of New York, to intersect with the aforesaid State road, to some point on the Ohio River, opposite to the town of Warsaw, Kentucky, and for effecting the objects of their appointment, they are hereby empowered to employ a suitable surveyor, and chain carriers and markers.

SEC. 3. The board of county commissioners of said county shall allow a suitable compensation to said commissioners and others in their employ under the authority given them by this act; and shall fill any vacancy which may occur in the appointment of said commissioners.

SEC. 4. That said commissioners shall file in the office of the clerk of the circuit court of said county, a report of their proceedings herein, shewing distinctly the route of such altered state road and also the route of the state road to be by them located as aforesaid, and the same shall then be deemed a state road, and shall be opened and repaired, as other state roads are directed to be opened and repaired.

This act to take effect and be in force from and after its passage.

CHAPTER CLII.

AN ACT to establish a state road from a point in the county of Clay to the Wabash River near the mouth of Honey Creek in Vigo county and thence to the state line,

(APPROVED JANUARY 30, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Elijah Rawley of Clay county, Samuel Stewart of Sullivan county, and Moses Carr of Vigo county, be, and they are hereby appointed commissioners to view, mark and locate a state road from the point where the Terre Haute and Bloomington state road intersects the old Eel River Road at or near the house of Robert Baber, in the county of Clay, thence near the house of Henry Crist in the county of Sullivan, and near the residence of Samuel Street in the north east corner of said county, thence near the Baptist meeting house Pierson township, Vigo county, thence by way of Moses Carr's in Prairie creek township, county last aforesaid, via the Store of Robert Hoggatt & co. to a point immediately below the mouth of Honey Creek in the Wabash River in said last mentioned county, thence from some convenient point immediately opposite the mouth of Honey Creek, or opposite the termination of said road on the east side of said River, to the Illinois state line, in the direction of the town of Livingston on the national road in said State; *Provided however*, that said commissioners shall have power in making such location, to vary the route designated, in order to make the same upon the best ground, at the same time having regard as near as practicable to the points mentioned, and especially to the general convenience of the public.

SEC. 2. Said commissioners shall have power to employ, if they deem it expedient, a surveyor and chain carriers, and in completing their location of said road, shall make a full and clear report thereof to the several boards doing county business in the several counties through which the same passes, to be recorded in the record books. When said road is located, the county boards in the respective counties through which the same passes, may order the same to be opened any width not exceeding sixty feet.

SEC. 3. Said commissioners or a majority of them shall meet at the house of George Hooker in Clay county, on or before the first day of May next, and take an oath for the faithful discharge of their duties, and the respective boards doing county business shall make to their proper commissioners for their services a reasonable allowance therefor, and also the surveyor and chain carriers by them employed, out of the proper county funds in proportion to the distance of the road located in said counties.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLIII.

AN ACT to establish a state road from Rome, in Perry county, to Jasper in Dubois county.

[APPROVED FEBRUARY 1, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Stephen Shoemaker Senr. and Zephaniah Miles Senr. in Perry county, and Henry Bradley in Dubois county, be and they are hereby appointed commissioners to survey, mark and locate a state road, commencing at Rome; running from thence to the ford of Anderson, at the crossing of the Troy and Hindostan road; from thence to the intersection of the old county road leading from Jasper; from thence to Jasper.

SEC. 2. *Be it further enacted,* That the said commissioners shall meet at Adam Shoemaker's on the first Monday in May next, or on some subsequent day, and after taking an oath, before some justice of the peace, to faithfully and impartially discharge the duties assigned to them by this act, shall proceed to view, mark and locate said road, having respect to the nearest and best route, between the intermediate points herein named.

SEC. 3. That when the said commissioners shall have completed the location of said road, they shall forthwith cause to be filed in the clerk's office of Perry and Dubois counties a succinct descriptive return of the location of said road.

SEC. 4. The board doing county business in the said county of Perry, shall, at its next term after the filing of said return, cause the road to be opened and repaired so far as it extends in Perry county. And the board doing county business in Dubois county shall cause the road to be opened, so far as it extends in said Dubois county, at its next term, after the filing of said return, and the said county boards, shall moreover make such compensation to said commissioners as they may deem reasonable.

SEC. 5. This act to be in force from and after its publication.

CHAPTER CLIV.

AN ACT to locate a state road from Booneville in Warrick county, to Jasper in Dubois county.

(APPROVED, JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That George Taylor of the county of Warrick, and Daniel Hoskins of the county Dubois, be, and they are hereby appointed commissioners to view, mark and locate a state road, beginning at Boone-

ville in the county of Warrick, on the nearest and best ground to Jasper in the county of Dubois.

SEC. 2. The commissioners to meet at Booneville on the first Monday in April next, or some subsequent day thereafter, and commence and enter upon the duties required of them by this act.

SEC. 3. The commissioners to be governed in all respects by an act defining the duties of commissioners appointed to locate state roads, and for other purposes, approved February 1, 1834.

This act to take effect and be in force from and after its passage.

CHAPTER CLV.

AN ACT to locate a state road from Portage Point to the state line.

(APPROVED JANUARY 26, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Tyra W. Bray of the county of St. Joseph, be, and he is hereby appointed commissioner, to locate a state road, commencing at Martin's Ferry on the Big St. Joseph river, at the village of Portage in said county, thence east and north east on the best and most suitable ground to the northern boundary line of the state, in the direction of the road leading from Detroit to Chicago.

SEC. 2. That said commissioner, on the first Monday of April next, or at any other subsequent day, after taking an oath faithfully to discharge the duties assigned him by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioner shall be governed by the provisions of the act defining the duties of commissioners appointed to locate state roads, approved February the first, one thousand eight hundred and thirty four.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER CLVI.

AN ACT to locate a state road from South Bend in the direction of Bertrand.

(APPROVED, JANUARY 26, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Tyra W. Bray, of the county of St. Joseph, be, and he is hereby appointed commissioner to locate a state road commencing

at the town of South Bend thence running in a northern direction to the village of Portage, thence north to the northern boundary line of the state to a point where the road leading from the mouth of the St. Joseph river, via Niles and Bertrand, and terminates in the territory of Michigan.

SEC. 2. That said commissioner on the second Monday in April next, or at any subsequent day, after taking an oath faithfully to discharge the duties assigned him by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioner shall be governed by the provisions of an act defining the duties of commissioners appointed to locate state roads, approved February the first, one thousand eight hundred and thirty four.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLVII.

AN ACT to amend an act entitled, "An act to locate a state road from Leavenworth town in Crawford county to Salem in Washington county," approved, January 8, 1835.

(APPROVED FEBRUARY 8, 1836.)

Be it enacted by the General Assembly of the State of Indiana, That so much of the above recited act as authorizes the location of a state road in the county of Washington be, and the same is hereby repealed.

CHAPTER CLVIII.

AN ACT to lay out a state road in the counties of Ripley and Dearborn.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That Oliver H. Heustis of Dearborn county and William Skeen and Reuben Sutton of Ripley county, be, and they are hereby appointed commissioners to view, mark and locate a state road from the town of Versailles in the county of Ripley, on the route that shall in their judgment, best comport with the public interest, to intersect the state road leading from Lawrenceburgh to Indianapolis to Manchester in Dearborn county at the corner of sections twenty-eight and twenty-nine and thirty-two and thirty-three, township six, range two west.

SEC. 2. The commissioners aforesaid shall meet at the town of

Versailles in Ripley county on the first Monday in June next, or on some subsequent day, and after taking an oath, faithfully and impartially to discharge the duties required of them by this act, shall proceed to view, mark and locate said road, and shall within thirty days after the location of the same file a duplicate report of their proceedings in the Clerk's offices of the counties of Ripley and Dearborn; which report shall be recorded by the clerks of said counties, in the record books of the boards doing county business in said counties, within twenty days after the filing of the same.

SEC. 3. It shall be the duty of the boards doing county business in the counties of Ripley and Dearborn, to cause said road to be opened any width not exceeding forty feet, and made agreeably to, and under the provisions of the several acts in force for opening and repairing public roads and highways.

SEC. 4. The county commissioners of the counties of Ripley and Dearborn are hereby invested with power to allow the respective commissioners of their counties respectively, such compensation as to them may seem proper.

CHAPTER CLI.

AN ACT to locate a state road from Montezuma in Parke county, to the state line, in the direction of the Hickory Grove, in Edgar county Illinois.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Caleb Bales and John W. Rush of the county of Vermillion be, and they are hereby appointed commissioners to view, mark, survey and locate a state road from Montezuma in Parke county to the state line, in the direction of the Hickory Grove in Edgar county, Illinois.

SEC. 2. The commissioners aforesaid, or either of them after being duly qualified, shall proceed on the first Monday of June next or as soon thereafter as may suit their convenience, to view, mark and locate the road aforesaid, commencing at Michael Ghormley's farm in the county of Vermillion, opposite to the town of Montezuma, thence in a westerly direction to the section line dividing sections twenty-four and twenty-five, in township sixteen north, range ten west; thence with the section line to the state line; and shall make and file in the clerk's office of Vermillion county a plat of said road.

SEC. 3. The board doing county business in the county of Vermillion, shall allow said commissioner or commissioners, and the hands necessarily employed by them, a reasonable compensation for their services, out of any funds in the county treasury not otherwise appropriated; and said board shall cause said road to be

opened, not exceeding sixty-feet in width, in the same manner as other state and county roads are opened.

SEC. 4. This act to take effect and be in force from after and its passage.

CHAPTER CLX.

AN ACT declaring a misprint.

(APPROVED FEBRUARY 4, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the name of Seth Green in the first section of an act, entitled, an act to make a state road from Versailles to Rockford, approved February 7, 1835, be, and is hereby declared a misprint, and that the name, Seth Green is, and was intended to be Seth Griggs.

SEC. 2. All acts done or performed by the commissioner named in the above recited act in compliance with the provisions of said act be, and the same are hereby legalized.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CLXI.

AN ACT to authorize the location of a state road from the mouth of Eel river in Green county, to Bowlinggreen in Clay county.

(APPROVED FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James Jessup of Green county, William Bois of Owen county and Tilman Chance of Clay county, be, and they are hereby appointed commissioners to view, mark and locate a state road from the mouth of Eel river in Green county, to Bowlinggreen in Clay county.

SEC. 2. Said commissioners shall meet at the town of Bowlinggreen on the first Monday of June next, or some subsequent day, that they may agree upon, and proceed to locate said road, on the nearest and best route, between the aforesaid points.

SEC. 3. And the said commissioners shall make out a report of their doings, to each county board, in each county through which said road may run, within thirty days after they complete said location.

SEC. 4. The commissioners shall each receive, one dollar per day for their services, to be paid out of the county treasury, where the commissioners reside.

SEC. 5. This act to take effect from and after its passage.

CHAPTER CLXII.

AN ACT to locate a state road from South Bend to the north line of the State of Indiana.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas P. Bulla of the county of St. Joseph be, and he is hereby appointed commissioner to mark and locate a state road, commencing at the north end of Michigan street in the town of South Bend in the county of St. Joseph, thence running on the nearest and best ground, to Portage Point on the St. Joseph river, thence upon the nearest and best ground, until it strikes the south east corner of section sixteen in range number two east, thence a north western direction until it strikes the state line, at or near the quarter post of section number nine in township and range aforesaid.

SEC. 2. That said commissioner, on the first Monday of April next, or on any subsequent day thereafter, after taking an oath faithfully to discharge the duties assigned him by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioner shall be governed by the provisions of the "act defining the duties of commissioners appointed to locate state roads," approved, February the first eighteen hundred and thirty-five.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXIII.

AN ACT to establish a state road from Scott's ferry in Morgan county, to Hadley's mill in said county, to Bellville in Hendricks county.

(APPROVED FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That William Hadley of the county of Morgan, be, he is hereby appointed commissioner to view, mark and locate a state road, the nearest and best way, from Scott's ferry in said county, by the way of Hadley's mill in said county, to Bellville in Hendricks county.

SEC. 2. The said commissioner shall on the second Monday in June next, or as soon as practicable thereafter, attend at the point of commencement aforesaid, and proceed to view, mark and locate said road, and shall be governed in all respects in the performance of the duties assigned by this act, by the provisions of an act, entitled "an act defining the duties of commissioners appointed to locate state roads, and for other purposes," approved February 1, 1834.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CLXIV.

AN ACT to vacate a part of a state road therein named, and for other purposes.

(APPROVED FEBRUARY 1, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all that part of the Greencastle and Bowlinggreen state road lying between Bowlinggreen and Mill Creek fork of Eel river in Clay county, be, and the same is hereby vacated, and the county road leading from Bowlinggreen to Mill Creek fork of Eel river, be and the same is hereby declared a state road.

SEC. 2. This act to take effect and be in force from its passage.

CHAPTER CLXV.

AN ACT establishing as a state road, the county road from Livonia to George Beck's.

[APPROVED JANUARY 30, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Livonia in Washington county, to intersect the New Albany and Bedford state road at George Beck's in said county, be and the same is hereby declared to be a state road, and that Keith Porter be appointed a commissioner to view said road, and make any slight changes in the same, that the public interest may require, and that he, after taking an oath faithfully to discharge his duties, shall proceed forthwith to view the same, and make report thereof to the board doing county business; and the board aforesaid shall for his services aforesaid, allow him a reasonable compensation, to be paid out of the county treasury of said county, and shall be governed in all respects as commissioners are in other cases.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CLXVI.

AN ACT to vacate a part of the Indianapolis, Centreville and Richmond state road in Wayne county.

(APPROVED JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the Indianapolis, Centreville and Richmond state

road, as passes through and upon the land of Samuel Talbott of Wayne county situate east of, and adjoining the town of Centre-ville in said county, be and the same is hereby vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CLXVII.

AN ACT to establish a certain state road therein named.

(APPROVED JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Peter Warner of the county of Kosciusko, and Jacob Lebring of the county of Allen, be, and they are hereby appointed commissioners to view, mark and locate a state road from Fort Wayne, on the nearest and best route to intersect the La Gros road so called, where it crosses the Tippecanoe river, at the residence of Peter Warner, near the centre of Kosciusko county.

SEC. 2. That said commissioners on the first Monday of April next, or at any subsequent day after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That Edward McCartney and Peter Ogan, both of Kosciusko county, be and they are hereby appointed commissioners to continue the aforesaid road from the last mentioned point, to wit: from the aforesaid point of intersection with the La Gros road, near the centre of Kosciusko county, on the nearest and best route to terminate at or near the Pottawattimie mills on the Tippecanoe river.

SEC. 4. That said last named commissioners, on the first Monday of April next or on any subsequent day after taking an oath, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate said road between the aforesaid last mentioned points.

SEC. 5. That said commissioners in the discharge of said duties shall be governed by the provisions of the act defining the duties of commissioners appointed to locate state roads, approved February first, one thousand eight hundred and thirty four.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CLXVIII.

AN ACT authorizing the location of a state road from Marion in Grant county to the town of Lagro in Wabash county.

(APPROVED JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Charles Hummel of the county of Grant, be, and he is hereby appointed a commissioner, to view, mark, and locate a state road, commencing at the town of Marion in Grant county, thence by the way of Jeremiah Sutton's, on the nearest and best route to the town of Lagro in Wabash county.

SEC. 2. It shall be the duty of said commissioner, on the first Monday in April next, or on some subsequent day, after having taken an oath faithfully to discharge his duty, to proceed to view, mark and locate said road.

SEC. 3. Said commissioner may if he deems it necessary, take to his aid, a surveyor, marker and chain carriers, each of whom, together with the said commissioner, shall receive two dollars per day for their services, the same to be paid by the several counties through which said road passes, in proportion to the distance said road runs in each of said counties, to be paid out of any part of the three per cent. fund, which has been or may hereafter be appropriated to said counties.

SEC. 4. It shall be the duty of said commissioner to file in the office of each clerk of the several counties, through which any part of said road passes, within thirty days after the location of the same, a complete statement of said survey and location, which shall be by said clerks, recorded in the record books of their respective counties.

SEC. 5. In case of death or refusal to qualify, on the part of said commissioner, the board doing county business in the county of Grant, shall have power to fill said vacancy by appointment, and the person so appointed shall be governed in all things by the provisions of this act.

This act to take effect and be in force from and after its publication.

CHAPTER CLXIX.

AN ACT to establish a certain state road therein named.

[APPROVED, JANUARY 27, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Charles De Camp and Samuel Reynolds of the county of Elk-

hart, be and they are hereby appointed commissioners to view, mark and locate a state road, commencing on the state road leading from Goshen in said county to South Bend in St. Joseph county, at or near the bridge on said road, which crosses the Baubaugo stream, thence taking the open line near said bridge, thence running on the most suitable route, reference being had to the distance and the convenience of the neighborhood, through which it passes, and crossing the Elkhart River at or near the residence of Charles De Camp; thence passing near the residence of Israel De Camp, to and along the south line of section twenty-four, township thirty seven, range seven east, or near said point in the discretion of said commissioners, thence on the most direct and best route to intersect at or near the centre of Lagrange county, the state road to be located from Goshen to said last mentioned point, thence to intersect and terminate at the state road from Fort Wayne to Lima.

SEC. 2. That said commissioners on the first Monday in April next or at any subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners in the discharge of said duties shall be governed by the provisions of the "act defining the duties of commissioners appointed to locate state roads," approved February 1, 1834.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXX.

AN ACT to establish a certain state road therein named.

(APPROVED, JANUARY 27, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Isaac Cavin, Adam Engle, and John Thompson, be, and they are hereby appointed commissioners, to view, mark and locate a state road, commencing at or near Henry Miller's on Perry's prairie, running thence on the nearest and best ground to the town of Legion, thence on the nearest and best ground to John Hostellers, thence north on the same line to the state line, in the direction of White Pigeon town.

SEC. 2. That said commissioners on the first Monday of April next or at any subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners in the discharge of said duties shall be governed by the provisions of the "act defining the duties of

commissioners appointed to locate state roads," approved, February first, one thousand eight hundred and thirty-four.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXXI.

AN ACT to repeal the act, approved, December 24, 1834, authorizing the re-location of a certain part of the New Albany and Vincennes state road at or near Fredericksburgh in Washington county.

(APPROVED, JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled, "an act to re-locate a certain state road therein named, approved, December 24, 1834, authorizing the re-location of a certain part of the state road leading from Albany in Floyd county to Vincennes in Knox county, so as to cause the said road to cross Blue river at the Fredericksburgh bridge, and vacating so much of the former or old state road, so relocated be, and the said act is hereby repealed.

SEC. 2. That so much of the former or old state road aforesaid, as was authorized to be re-located, be, and the same is hereby re-established, as fully as if the above recited act had never been passed.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXII.

AN ACT to locate a state road from the north line of the State in the direction of Chicago.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas P. Bulla and Isaac Eaton of the county of St. Joseph, and Chapel W. Brown of the county of Laporte, be and they are hereby appointed commissioners to locate a state road commencing at the northern line of Indiana, where the United States road, leading from Detroit to Chicago comes to said line, thence on the best ground to Laporte, thence to the north end of Plumb Grove on the Rolling prairie, thence to Hunt's tavern and post office on the little Kankakee, thence to the town of Laporte, thence to the western line of the state in the direction of Chicago.

SEC. 2. That said commissioners or any two of them on the second Monday of April next, or any subsequent day they may determine on, after taking an oath faithfully to discharge the duties assigned them

by this act, shall proceed to locate said road between the points aforesaid.

SEC. 3. That said commissioners shall be governed by the provisions of the "act defining the duties of commissioners appointed to locate state roads," approved, February the first, one thousand eight hundred and thirty-four.

SEC. 4. This act to be in force from and after its passage.

CHAPTER CLXXIII.

AN ACT declaring a certain road therein named a state road.

(APPROVED, JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road leading from Boonville, past William Bullock's thence via Alpha Frisbie's mill on little Pigeon creek, from thence to the Ohio river, at or near the Mount Place, all situated in Warrick county be, and the same is hereby declared to be a state road.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXIV.

AN ACT to establish a state road from Delphi in Carroll county, to Dayton in Tippecanoe county.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That John Armstrong of Carroll county, be and is hereby appointed a commissioner to locate, mark and lay off a state road commencing at the town of Delphi in Carroll county, Indiana, and running from thence to Dayton in Tippecanoe county, by the way of John Waggoner's mill.

SEC. 2. The commissioner aforesaid shall call to his aid a surveyor, markers and chain carriers sufficient to carry the provisions of this act into effect, each of whom shall receive for his services a reasonable compensation to be paid out of the several county treasuries of the counties through which said road may pass, in proportion to the length of said road in such county, to be allowed by the board doing county business of the several counties on the certificate of such commissioner.

SEC. 3. The said commissioner previous to entering upon the discharge of his duty, shall take an oath faithfully to discharge the

same, and shall be allowed for his services, one dollar per day for each day necessarily employed in locating said road, to be paid out of the county treasury of the several counties through which said road is located, in proportion to the number of miles of the same in [the] counties through which it may pass.

SEC. 4. The said commissioner is hereby required to enter upon the duties required by this act on the first day of May next or as soon thereafter as may be convenient.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CLXXV.

AN ACT to legalize the proceedings of the commissioner of a certain state road therein named.

(APPROVED, JANUARY 2, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the location of a state road from Lafayette to the Sugar Grove, by Daniel Jones, commissioner appointed to locate and survey said road by an act approved, February 7, 1835, be and the same is hereby legalized, as fully as if said commissioner had proceeded to the duties therein assigned, on the day designated by said act.

SEC. 2. It shall be the duty of the boards doing county business, in the counties of Tippecanoe and White, to make such compensation as they may deem reasonable, for his services, and for all other expenses that accrued for the survey of said road, to be paid out of the county treasuries of said counties, in proportion to the length of said road in each county.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CLXXVI.

AN ACT declaring the county road from Owensville to the mouth of Patoka, in Gibson county, a state road.

(APPROVED JANUARY 26, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road from Owensville to the mouth of Patoka creek in Gibson county be, and the same is hereby declared to be a state road.

CHAPTER CLXXVII.

AN ACT to locate a state road in Dearborn county, from the town of Dillsborough to Aurora.

(APPROVED JANUARY 2, 1836.)

SEC. 2. *Be it enacted by the General Assembly of the State of Indiana,* That Johnson Watts, Martin Trester, and Thomas Folbree, be, and they are hereby appointed commissioners to view, mark and locate a state road from the town of Dillsborough in Dearborn county, to the town of Aurora in said county of Dearborn.

SEC. 2. The said commissioners, or any two of them, shall meet at the town of Dillsborough on the first Monday of March next, or as soon thereafter as they may think proper, and after taking an oath faithfully to discharge the duties assigned them by law, shall proceed to view, mark and locate said road on the nearest and best ground, that can be had between said points, and shall within thirty days therefrom, cause a report thereof, to be filed in the clerk's office of said county, the same to be recorded in the record book of said county, within ten days thereafter.

SEC. 3. The commissioners aforesaid may if they deem it expedient, employ a surveyor and chain carrier, to assist in locating said road, and shall keep a correct account of the number of hands employed, and time occupied in discharging the duties enjoined on them by this act, a copy of which it shall be their duty to file in the clerk's office of said county, and by such clerk laid before the board doing county business at their next term.

SEC. 4. The board doing county business in said county shall when the account of said commissioners is laid before them, make such order for the payment of the same, as they shall deem just and reasonable, the same to be paid out of the county treasury.

SEC. 5. It shall be the duty of the board doing county business, in said county, to order the said road to be opened any width, not exceeding fifty feet, and made agreeably to and under the provisions of an act for opening and repairing roads and highways.

SEC. 6. Should any vacancy happen by death, resignation or otherwise, the board doing county business, shall appoint and fill such vacancies.

This act to take effect and be in force from and after its passage.

CHAPTER CLXXVIII.

AN ACT to establish as a state road, the county road from Jasper via Portersville and Smith's Ferry on the East Fork of White river, to Washington in Daviess county.

(APPROVED JANUARY 2, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county road from Jasper via Portersville and Smith's ferry on the East Fork of White river, to Washington in Daviess county, be, and the same is hereby established as a state road, to be kept in repair as other state roads are, and opened any width not exceeding forty feet.

This act to be in force from and after its passage.

CHAPTER CLXXIX.

AN ACT to re-locate a state road in the county of Orange, from Orleans to George French's.

(APPROVED JANUARY 2, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Jesse Read, Lewis Keedy and Benjamin Webb, of the county of Orange, be and they are hereby appointed commissioners, to view, mark and re-locate a state road beginning at Orleans, in the county of Orange, to intersect the New Albany and Vincennes state road, at or near George French's, on the nearest and best ground that can be had.

SEC. 2. Said commissioners shall meet at the said town of Orleans on the first Monday in April next, or on some subsequent day thereafter, and enter upon the duties required of them, by this act.

SEC. 3. The said commissioners shall be governed in all respects by an act defining the duties of commissioners appointed to locate state roads, and for other purposes, approved February 1, 1834.

This act shall be in force from and after its passage.

CHAPTER CLXXX.

AN ACT to locate a state road from New Albany in Floyd county to Maukspoint in Harrison county.

[APPROVED JANUARY 27, 1836.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Preston F. Tuley of the county of Floyd and Eli Everett and

James Samuels of the county of Harrison, be, and they are hereby appointed commissioners to view, mark, and locate a state road beginning at New Albany in Floyd county on the nearest and best way by the way of Elizabeth and Laconia to Maukspor in Harrison county.

SEC. 2. Said commissioners, or a majority of them, to meet in the town of New Albany, on the first Monday in April, or some subsequent day thereafter, and commence and enter upon the duties required of them by this act.

SEC. 3. The said commissioners to be governed in all respects, by "an act defining the duties of commissioners appointed to locate state roads, and for other purposes," approved Feb. 1, 1834.

This act to be in force from and after its publication in the Indiana Journal and Democrat.

CHAPTER CLXXXI.

AN ACT relating to State roads.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Daniel Worth of the county of Randolph, and John Burk of the county of Huntington, be, and they are hereby appointed commissioners to view, mark and locate a State road from Economy in Wayne county, in a northern direction, to intersect the Winchester and Indianapolis State road, at or near Sample's mills in Randolph county, thence to intersect the Wabash and Erie canal at Flint springs in Huntington county.

SEC. 2. That Harvey Tullis, of the county of Fayette, be, and he is hereby appointed a commissioner to view, mark and locate a State road from the Court House in Connersville, southwardly along and upon the road usually travelled, or as near thereto as a good route can be had, by the way of Houston's mill, until it intersects a road leading from Somerset in Franklin county, through Columbia in Fayette county, to Louisville in Henry county, at or near the place said road crosses the north line of the land owned by George Williams.

SEC. 3. That Jacob Harwood, Thomas H. Milburn and David Soter of Dearborn county, be, and they are hereby appointed commissioners to view, mark and locate a state road from a bridge across South Hogan creek, on the state road leading from Aurora to Wilmington, in said county, thence up the north fork of Hogan creek, by the way of William V. Cheek's, and across said creek to Amos Bruce's; thence up said creek, and ascending the hill on the south side, and continuing on the ridge, on the nearest and best ground to David Soter's; thence by the way of Daniel Hathaway's, to in-

tersect the Lawrenceburgh and Indianapolis road, at or near the north Hogan school house.

SEC. 4. That James M'Pheeetis and John Harlan, jr., of the county of Washington, Lebbeus Frisby of the county of Crawford, be, and they are hereby appointed commissioners to view, mark and locate a state road from Livonia, in Washington county, to Miltown in Crawford county.

SEC. 5. That Asahel Niel and John Sayler of the county of Porter, be, and they are hereby appointed commissioners to view, mark and locate a state road from the seat of justice in said county, (after it shall have been located) to Michigan city in the county of Laporte.

SEC. 6. That Benjamin M'Carty of the county of Porter, be, and he is hereby appointed a commissioner to locate a state road from Michigan city to Bayleystown, at the head of the navigable waters of the Calumet river; thence to the head or near the navigable water of Deep river; thence to Robinson's Prairie, thence to the western boundary of the State, so as to intersect the Danville and Chicago state road, near the ford of the Kankakee river.

SEC. 7. Tyra W. Bray of the county of St. Joseph, be, and he is hereby appointed a commissioner to view, mark and locate a state road, commencing at the north line of the state of Indiana, where the Detroit and Chicago road crosses the same; thence the nearest and best route, by the way of New Carlisle, on the Michigan road in St. Joseph county, to the town of Laporte.

SEC. 8. That James Davis of Elkhart county, be, and he is hereby appointed a commissioner, to view, mark and locate a state road from the village of Elkhart, in said county, by the way of Jamestown, to intersect the Michigan road near the old boundary line, running west between township thirty-six and thirty-seven.

SEC. 9. That Elias Murray of the county of Wabash, and Peter Warren of the county of Kosciusko, be, and they are hereby appointed commissioners to view, mark and locate a state road from the canal bridge on section 75, at the town of Lagro, to the centre of section 5, township 29, range 7 east; thence to the county seat of Kosciusko county; thence to intersect the state road in the direction of Goshen in Elkhart county.

SEC. 10. That Isaac Fowler of the county of Wabash, be, and he is hereby appointed a commissioner, to view, mark and locate a state road from the town of Wabash in said county, to John Anderson's on section 26, township 28, range 5 east; thence to Chippeway in Fulton county.

SEC. 11. That Samuel Tabor and Adam Vinnage of the county of Marshall, be, and they are hereby appointed commissioners to view, mark and locate a state road from the west side of the Michigan road, near the 47 mile post, north of Logansport, to the town of Independence; thence to intersect the county road at the centre of section seventeen, in township 37 north, of range one east; thence

with said road to the cross-roads at Belshaw's; thence on the state line in the direction of Buffalo.

SEC. 12. That John Kromer of Lagrange county, Henry Hosteter of Noble county, and William J. Johnson of Huntington county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Lima in Lagrange county to the geographical centre of Noble county; thence to or near the geographical centre of Whitley county.

SEC. 13. That Luke Hulet of the county of Elkhart, Anthony Nelson and D. B. Hereman of the county of Lagrange, be, and they are hereby appointed commissioners to view, mark and locate a state road from the town of Goshen in the county of Elkhart, on the nearest and best route through the centre of Lagrange and Steuben counties to the Perrysburgh road, where it strikes the eastern line of the state.

SEC. 14. That Samuel Simonton, John Young, John F. Smith and John Bushford, be, and they are hereby appointed commissioners to view, mark and locate a state road from Mishawaka in the county of St. Joseph to Willow creek bridge, by the dwelling house of Amos Petit and to John Young's, and to John T. Smith's, and crossing of the Christian creek, about one rod south of the north line of section 18, township 38, range 5 east, and by the dwelling house of Samuel Simonton; thence as near as practicable in the same direction, until it terminates at the state line: *Provided*, That if in the opinion of said commissioners, or any two of them, that the above route shall deviate too far from a direct line, or pass over unsuitable ground for a road, or if they shall deem it advisable to vary the general direction thereof from said route, either a part or all of the distance, they are hereby authorized so to vary the same, for the best interest of the community.

SEC. 15. That Lot S. Bayless of the county of Allen, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Raccoon village on the Wabash and Erie canal, on the best route to the centre of section 19, in township 31, range 10 east; thence the most eligible route to intersect the road from Fort Wayne to Yellow river.

SEC. 16. That John Spencer of the county of Allen, be, and he is hereby appointed a commissioner to view, mark and locate a state road from the county seat of Adams county, to the crossing of the Maumee river, at the Maumee Islands; thence to the crossing of the St. Joseph's river, at or near the mouth of Bear creek; thence to the centre of Steuben county, in a direction to the Michigan line.

SEC. 17. That Joshua Overton and Peter Jones of the county of Posey, and Rowland B. Richards of Gibson county, be, and they are hereby appointed commissioners to relocate the county road (or such parts thereof as they may deem to be for the public interest) from the town of New Harmony in Posey county, to Owensville in Gibson county, which road from thenceforth shall be a state road.

SEC. 18. That John Crow of Pike county be, and he is hereby appointed a commissioner, to relocate such parts of the county road (as he may deem advisable) leading from Petersburgh in Pike county, by Hathaway's mills on Patoka, to Hopkins' old farm, on the old Mount Prospect and Petersburgh state road, which road so relocated shall be a state road from the time of such relocation.

SEC. 19. That William Scott of the county of Cass, be, and he is hereby appointed a commissioner to view, mark, and locate a state road from Logansport, crossing Eel river at or near said town, and running up said river on the north side to the town of Mexico in the county of Miami; thence up said river to Squirrel Village in Wabash county.

SEC. 20. That Zera Southerland of the county of Wabash, be, and he is hereby appointed a commissioner to view, mark and locate a state road from the town of Peru, in the county of Miami, to Warsaw in Kosciusko county.

SEC. 21. That Andrew Jackson of the county of Madison, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Andersontown in Madison county to Peru in Miami county.

SEC. 22. That the county road from Mooresville in Morgan county, to Brite Pewett's farm in said county, be, and the same is hereby declared a state road, and Daniel Bales of said county is hereby appointed a commissioner to view, mark and relocate so much of said road as lies between Daniel Bales' farm and John Williams' farm, so as to make the town of Monrovia a point.

SEC. 23. That Arthur Crampton of the county of Clinton, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Michigan town to intersect the Frankfort and Lafayette state road, at or near Joseph McClelland's farm in the county of Clinton.

SEC. 24. That Samuel Monroe of Hamilton county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Noblesville in Hamilton county, to Andersontown in Madison county.

SEC. 25. That James Rome, John McCollum and Gabriel Hall be, and they are hereby appointed commissioners, to view, mark and locate a state road from the house of John F. Cotton of the county of Switzerland, to cross Indian creek, where a bridge is about being erected, to intersect the state road leading from Vevay to Madison, about one mile below the town of Vevay, with full power to diverge from a straight line, if the public interest require it.

SEC. 26. That Jacob Schnee, Ebenezer Philips and Peter Saltzman, be, and they are hereby appointed commissioners to view, mark and locate a state road from New Harmony in Posey county, upon and along what is called the middle road to Mount Vernon, so as to intersect the state road leading from Mount Vernon to Princeton, at the bridge across Big creek, usually known by the name of Black's bridge.

SEC. 27. That all the moneys heretofore appropriated and unexpended on the state road from New Harmony to the lower bridge on Big creek, now under the contract of the present Commissioner, Clement Whiting, be, and the same is hereby directed to be expended on the road named in the above section.

SEC. 28. That Daniel Dale of the county of White, be, and he is hereby appointed a commissioner to view, mark and locate a state road from the town of Logansport to the town of Monticello in White county, and the act to establish a state road from Logansport to the Rapids of the Iroquois river, approved February 7th, 1835, is hereby repealed.

SEC. 29. That Uriah Ballard of Morgan county, be, and he is hereby appointed a commissioner to relocate a part of the state road leading from Martinsville in Morgan county, to Danville in Hendricks county, to wit: beginning at or near Caleb Stratton's mills in said county of Morgan; thence to Monrovia; thence the nearest and best way to intersect the said Martinsville and Danville state road, at or near Ashly Johnson's farm in said county of Morgan.

SEC. 30. That Benjamin Beason of the county of Wayne, be, and he is hereby appointed a commissioner, to locate a state road from the town of Franklin, in the county of Wayne, to Mary Mendenhalls; thence to David Pidgeons; thence to Solomon Wodson's, in Henry county, thence on the nearest and best direction to Muncietown, until it intersects the state road leading from Economy to Muncietown.

SEC. 31. That the county road from Providence in Clark county, on the east side of the sixteenth section, to Coffman's mill, and thence to Greenville in Floyd county, be, and the same is hereby established a state road.

SEC. 32. That Samuel Charles, jr., be, and he is hereby appointed a comissioner to view, mark and locate a state road from Centreville to Newport in Wayne county.

SEC. 33. That William McCormick and James E. Sharp of Gibson county, and Benjamin Carter of Posey county, be, and they are hereby appointed commissioners to view, mark and locate a state road from Cynthiana in Posey county, to the Big Marsh, where the road enters the same, leading from Owensville to the mouth of Patoka river; thence to the mouth of Patoka river in Gibson county.

SEC. 34. That John Cochran of Green county, William Moore of Daviess county, and Jonathan P. Cox of Knox county, be, and they are hereby appointed commissioners to view, mark and locate a state road from William Brummits, on the Eel river state road, to Scotland; thence by the way of Philip Miller's, so as to intersect the Bloomfield and Washington state road, at or near Owl creek prairie; thence to Vincennes.

SEC. 35. That the relocation of part of the state road from New Washington to Bethlehem, as made by James M'Henry of Clark county, be, and the same is hereby legalized, and the acts of said

commissioner is made as valid, as if the same had been done in the month of April, as directed by the second section of the act entitled "an act to declare a certain road therein named a state road, and for other purposes," approved February 7th, 1835.

SEC. 36. That the commissioners named in "An act granting relief to Asa Smith and others approved February 4th, 1835 be, and the same are hereby authorized to meet at the house of Robert M'Call, on the first Monday in June next, or so soon thereafter as they may agree, and proceed to perform the duties required of them in the last above recited act.

SEC. 37. That the following change be made in the Michigan road, to wit: Beginning at a point in said road, where the spring branch of Shadrab Wilber's spring crosses the same, and continuing on the line dividing the lands of said Wilber, from the land of A. W. Flint, and running as follows-to-wit: from the place of beginning north forty degrees, west ten poles, thence north 5 degrees east 24 poles, thence north 25 degrees east 11 poles, to intersect the present road. And that from and after the taking effect of this act the above described route, shall be established as a part of said road and the present road between the points above named shall from thenceforth be vacated.

SEC. 38. That the county road leading from Vernon to Vevay, by the forks of Graham creek be, and the same is hereby declared a state road.

SEC. 39. That the county road leading from Strain's Mills in Park county, by way of Grime's Mills to Blakesburgh in Putnam county, be, and the same is hereby declared a state road for all purposes whatever.

SEC. 40. That John Hardin jr. and John Ellis of the county of Washington, and John Rankins of the county of Harrison, be, and they are hereby appointed commissioners, to view, mark, and locate, a state road from Livonia in Washington county by way of Hardins' store, Hagar's Mill, to Corydon in Harrison county.

SEC. 41. That John C. Goodwin of Johnson county, be and he is hereby appointed a commissioner to relocate so much of the Madison state road in the county aforesaid, as lies between the town of Franklin and Harvey M'Caslin's lane, so as to make said road run a due east course, or nearly so from the town, and parallel with Geo. King's fence, until it crosses Hurricane Creek, and thence so as to intersect the present road, at or near said M'Caslin's Lane.

SEC. 42. That so much of the Greensburg and Charlestown state road as lies between the widow Stagg's and the Jennings and Decatur county line, be and the same is hereby vacated, and that the county road as now laid out, and travelled between the aforesaid points, be and the same is hereby declared a state road.

SEC. 43. That Henry Davis of the county of Hamilton, be, and he is hereby appointed a commissioner to view, mark and locate a state road from Greenfield in Hancock county, to Allisonville in Marion

county, thence to Eagle village, in Boon county, thence to Lebanon in said county of Boon.

SEC. 44. That Abraham Sellars be, and he is hereby appointed a commissioner to view, mark, and locate a state road on the county road leading from Indianapolis via Germantown to Pendleton in Madison county.

SEC. 45. That Henry Todd be, and he is hereby appointed a commissioner to locate a state road from the south west corner of out lot No. 9, west of White River, on the line dividing 9 and 12 to said river, thence up said river on the west side thereof, on the present county road to the Michigan road.

SEC. 46. That William Miller* be, and he is hereby appointed a commissioner to superintend the erection and letting by public outcry of a bridge over little Eagle Creek, the plan to be a common bent bridge and to be exhibited by said commissioner at least ten days before the day of sale. The sum of seventy-five dollars out of any moneys hereafter to be received by the county of Marion, is set apart for said bridge. And the agent of the three per cent. fund, shall pay the same over to said commissioner; *Provided however*, that if said bridge shall cost more than the amount of seventy-five dollars, the remainder necessary to complete the same, shall be made up by private subscription.

SEC. 47. The road from Brownstown by Douglass' and Moore's to Stanfield's mill, at the crossing of the Bethlehem, and Indianapolis state road, on the north branch of the Muscavittuck, in Jackson, county, be and the same is hereby declared to be a state road.

SEC. 48. That Isaac Hobart of Fountain county, be, and he is hereby appointed a commissioner to view, mark and locate a state road from the Wabash river, at or near Thomas' Ferry in said county, thence the nearest and bestway to Crawfordsville.

SEC. 49. That the county road in Fountain county, from Covington, running thence east along the section line, in town twenty, one mile north of the line between townships nineteen and twenty, to the Montgomery county line, be, and the same is hereby declared a state road.

SEC. 50. That all commissioners appointed by any former act of the General Assembly, or by any county Board, (where he or they are not otherwise directed by law,) shall settle their respective accounts for money received and directed to be expended on state roads and public highways—with the county boards, in the county where the commissioner resided at the time of such appointment, and in all cases, where any commissioners, shall fail to settle their accounts of moneys disbursed, for one year, the proper county boards shall take the proper measures to enforce such delinquent commissioner to a settlement of his accounts.

SEC. 51. That James Mathews, George Curry and Byram Barnet, be, and they are hereby appointed commissioners to view, mark and locate a state road from Bethlehem in Clark county, to Ramsey's mill in Jefferson county.

SEC. 52. That said commissioners shall meet at such time and place, on their respective routes, as they may agree upon, and proceed to the discharge of the duties under this act, and shall be governed in all things not herein provided for, by an act entitled, "an act defining the duties of commissioners, appointed to locate state roads and for other purposes," approved February 1st, 1834.

SEC. 53. That the act, entitled, "an act to locate a state road from Lima, the seat of justice of Lagrange county, to Huntington, the seat of justice of Huntington county," approved February 7th, 1835, be, and the same is hereby repealed.

SEC. 54. That Seth M. Leavenworth of the county of Crawford, Samuel Postlewait of Dubois county, and Franklin Sawyer of Pike county, be appointed commissioners to view, mark and locate a state road from Leavenworth in Crawford county, via Jasper in Dubois county, to Petersburgh in Pike county.

SEC. 55. That James M'Kinney and H. Alkine, be, and they are hereby appointed commissioners, to view, mark and locate a state road from James Harris', by Hezekiah Riggs', to the west bank of the Wabash river in Sullivan county, opposite York in Illinois.

SEC. 56. That said commissioners shall meet at such time and place, as they shall agree upon, and proceed to the discharge of the duties under this act, and shall be governed in all things not herein provided for, by an act, entitled "an act defining the duties of commissioners appointed to locate roads, and for other purposes," approved February 1, 1834.

SEC. 57. *Be it further enacted*, That the county road, commencing at or near William Reagan's, on the Winchester state road, and running to the crossing of White river at the Broad Ripple, be, and the same is hereby declared a state road.

* The name of John Newland appears in the engrossed bill.

MEMORIALS

AND

JOINT RESOLUTIONS.

CHAPTER CLXXXII.

A JOINT RESOLUTION on the subject of authorizing the Secretary of State to furnish the counties of Allen and Laporte with copies of the revised laws.

(APPROVED FEBRUARY 4, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of state be authorized to furnish the county of Allen with twenty five copies, and the county Laporte with twenty copies of the revised laws of the state of Indiana.

CHAPTER CLXXXIII.

A JOINT RESOLUTION on the subject of the Ohio and Charleston rail road.

(APPROVED, FEBRUARY 8, 1836.)

Whereas the Governor of this state in his annual message to the General Assembly at the opening of the present session, laid before the legislature, the proceedings of a public meeting held at Cincinnati in August last, on the subject of a rail road from the banks of the Ohio river to the tide waters of the Carolinas and Georgia; and also the proceedings of the Chamber of commerce of the city of Charleston, held in October subsequent, with other documents of the same nature, on the same subject; and whereas, the successful prosecution of said work is inseparably identified with the commercial, political and social interests of Indiana, as well as the more enlarged and delicate interest of the whole federal union:

Resolved by the General Assembly of the State of Indiana, That they view with the liveliest interest, the project of a rail road from the banks of the Ohio river to tide waters of the Carolinas and Georgia; that whether considered in reference to its magnitude or its consequences, as a work of this character, it is without a parallel, in this or any other age or country.

Resolved, That traversing as it does, in its direct route between the points named, a large and interesting region of country, embracing almost every variety of climate and character, to say nothing of the almost numberless ramifications and extensions, of which it is susceptible, until its northern and western arms shall repose on the shores of our northern Mediterranean, and embrace the sources of the Mississippi, it must be regarded as an enterprize worthy the patriotism and fostering sanction of the whole nation.

Resolved, That its natural connection, by way of Cincinnati, Louisville, and Nashville, with the various works of internal improvement now projected in Indiana, renders it, in a commercial point of view, an object of the first importance to her as a state, by which a new, direct and safe avenue is opened to her trade with the southern main, without encountering as she now does, the delays and vicissitudes of the more dangerous route by way of the Mississippi and the Gulf of Mexico.

Resolved, That as arms of national defence, furnishing as it would a rapid and easy route for the transportation of troops and the *matériel* of war from the sea board to the western interior, or the transmission of western productions to the Atlantic, it is an object worthy the support of the whole nation.

Resolved, That it is in view, however of its effects upon the social and political condition of our common country, that they regard it as most important; that they look upon it as a measure, which more than any other projected in the present age, will tend by its operation upon the trade and intercourse of remote and comparatively alienated sections of the confederacy, to harmonize the jarring elements of now discordant and conflicting interests, feelings and habits; that they look upon it as an iron chain, which will inevitably tend to connect with new ties, that glorious union, which is the basis of our common prosperity and well regulated liberty.

Resolved, That this General Assembly hereby tenders to the several states engaged in this noble work, their warmest wishes for its speedy and triumphant success, and that they cherish towards them feelings of increased attachment, for their having added another monument to the enterprize and patriotism of the age, and above all, another bond to the union of the states.

Resolved, That the Governor be requested to transmit a copy of the foregoing resolutions to the committee of inquiry and correspondence, at Cincinnati, to the chamber of commerce of the city of Charleston, to the city council of the city of Louisville, and to the Executives of the state of North and South Carolina, Georgia, Tennessee and Kentucky.

CHAPTER CLXXXIV.

A JOINT RESOLUTION on the subject of the survey of a rail road route from Charleston in South Carolina to some suitable point on the Ohio river in the state of Ohio or Indiana.

(APPROVED FEBRUARY 4, 1836.)

A Memorial and Joint Resolution of the State of Indiana.

Whereas it has been suggested by the friends of internal improvements in the west, that the construction of a rail road from the city of Charleston in the state of South Carolina, to the city of Cincinnati in the state of Ohio or to some suitable point on the Ohio river, either in state of Ohio or Indiana, is a subject of national importance, calculated to strengthen the bonds of union between the states; to effect an object so desirable, is one in which Indiana asks to participate by an extension of the route through Indiana, should it ever be constructed; it is therefore

Resolved, That our senators in Congress be instructed, and our representatives requested to use their exertions to procure a survey of a rail road route from the city of Charleston in the state of South Carolina to some suitable point on the Ohio river in the state of Ohio or Indiana and from thence to Michigan city in the state of Indiana, and that estimates be made of such survey, if found practicable.

And it is further resolved, That his excellency the Governor forward a copy of this memorial and joint resolution to each of our senators and representatives in Congress.

CHAPTER CLXXXV.

A MEMORIAL and joint resolution on the subject of a purchase of a tract of land of the United States, for the purpose of constructing a canal from Fort Wayne to Muncietown.

(APPROVED JANUARY 23, 1836.)

The memorial of the General assembly of the State of Indiana respectfully represents, that a large portion of public land, which lies between Muncietown, Delaware county, and Fort Wayne, Allen county, has been in market for twelve years and remains unsold and of little value to the United States, and most of it so remote from navigable streams that would enable the agriculturist to convey his produce to market, that there is but little inducement for emigrants to settle in this region of country: and as it is the interest and correct policy of this state, to encourage the settlement of her whole territory, with an industrious and enterprizing agricultural people, that it would be a great inducement to the immediate settlement of the coun-

try, and afford great facilities to the citizens of this state, to construct a rail road from where the White Water canal crosses the national road by way of Newcastle in Henry county and Muncietown in Delaware county, to Fort Wayne, and as by the construction of said road it would at once enhance the value of the lands through which said road would pass, and those lying contiguous thereto, to an amount, it is believed, sufficient to defray the expenses of constructing said road, and would be alike advantageous to the United States and this State; *Therefore*,

Resolved, That our Senators in Congress be instructed, and our representatives requested, to use their exertions to procure the passage of a law, giving Indiana the right, to purchase, by an agent she may appoint for that purpose, of the commissioner of the General Land Office, on a credit of not less than five years, at such reduced and reasonable price as Congress may fix, having due regard to the large quantity of unsaleable land in the purchase, a strip of land equal to ten sections for each mile of said road: The proceeds of the sale of said lands after paying the costs to be applied to the construction of a rail road on said route: *Provided*, That the General Assembly of Indiana should hereafter ratify such purchase, hereby reserving to her the right to do so, or to dissent therefrom.

Resolved, That the president of the United States be requested to suspend from sale, a strip of land ten miles in width on a line from Muncietown to Fort Wayne.

Resolved, That his Excellency the Governor be requested to forward copies of the foregoing memorial and resolution to each of our Senators and Representatives in Congress.

CHAPTER CLXXXV.

A JOINT RESOLUTION on the subject of furnishing such new counties as may hereafter be organized, with the laws of the State.

(APPROVED FEBRUARY 5, 1836.)

Resolved by the General Assembly of the State of Indiana, That it shall be the duty of the Secretary of State to furnish such of the new counties as may hereafter be organized, with a sufficient number of the Revised Laws, and other acts of the General Assembly of this State, as shall be necessary for the accommodation of the officers therein.

This resolution to take effect and be in force from and after its passage.

CHAPTER CLXXXVII.

A JOINT RESOLUTION authorizing the publishing of an act of Congress therein named.

[APPROVED FEBRUARY 1, 1836.]

Be it resolved by the General Assembly of the State of Indiana, That the Secretary of State, be, and he is hereby required to cause to be printed and published with the laws of the present session of the Legislature, an act of Congress, entitled "an act concerning the mode of surveying the public lands of the United States," approved February 11th 1805.

CHAPTER CLXXXVIII.

A JOINT RESOLUTION to extend the time of the public printing for 1835 and 6.

(APPROVED FEBRUARY 6, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That the additional time of two weeks be allowed to the public printers for 1835 and 6 for the completion of the public printing.
This joint resolution to be in force from and after its passage.

CHAPTER CLXXXIX.

A JOINT RESOLUTION on the subject of the admission of Michigan Territory into the Union.

(APPROVED, JANUARY 6, 1836.)

Resolved, That our Senators in Congress be instructed, and our Representatives requested to oppose the admission of the people of Michigan as a state of the Union, unless they, by their constitution, shall acknowledge the present northern boundary of Indiana.

Resolved, That our said Senator be instructed, and our Representative requested to unite their efforts, with the Senators and Representatives in Congress, from Ohio, to obtain a permanent establishment of the northern boundary of Ohio, on a parallel line with the northern boundary of Indiana.

Be it further resolved, That his Excellency the Governor, be requested to forward a copy of the foregoing resolutions, to each of our Senators and Representatives in Congress.

CHAPTER CXC.

A JOINT RESOLUTION relative to the Michigan road lands.

(APPROVED, FEBRUARY 1, 1836.)

Whereas it does appear to this General Assembly that the proper selections of Michigan road lands, does not appear on the books of the General Land Office in Washington city. And whereas many tracts, of those selected lands, have been sold by authority of the State of Indiana, to individuals, Therefore, for the purfecting of the road grant to all parties concerned.

Resolved, That our Senators in Congress be instructed, and Representatives requested to use their exertions, to procure to have made on the books of the General Land Office, the proper entries, of all tracts of lands granted and set apart as Michigan road lands, and obtain, and cause to be forwarded to the office of the Secretary of State, the proper certificate of all lands set apart on the books of the General Land Office, as Michigan road lands.

Resolved, That his Excellency the Governor, be requested to forward a copy hereof, to each of our Senators and Representatives in Congress, also a copy to the commissioner of the General Land Office in Washington City.

CHAPTER CXCI.

A JOINT RESOLUTION of the General Assembly of the State of Indiana, relative to the payment of postage.

(APPROVED, JANUARY 2, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That the postmaster at this place, be authorized to open separate accounts for each member of the House of Representatives and each member of the Senate, including the president of the Senate, for all petitions, memorials, remonstrances, all other written and printed documents and newspapers, (private letters excepted) received by them during the present session of the General Assembly: And that he be further authorized to mark paid, all papers and documents of a public nature, directed to be printed by the House of Representatives and Senate, and deposited by them, for transmission by mail.

Be it further resolved, That the certificate of each member to his respective account be a sufficient voucher for the auditor to audit and the treasurer to pay the same, out of any moneys in the treasury not otherwise appropriated.

This joint Resolution to be in force from and after its passage.

CHAPTER CXII.

A JOINT RESOLUTION for the relief of James Scott;

(APPROVED FEBRUARY 6, 1836.)

Whereas it hath been represented to this General Assembly by the petition of said Scott, that the commissioner of the Michigan road fund, did on the 22d day of November 1834, issue to said Scott, road scrip for thirty dollars numbered 1554 for labor done on said road, which scrip has been lost or destroyed: For remedy whereof. *Resolved*, That the commissioner of the Michigan road fund, do issue to said Scott a duplicate copy of such lost scrip, on affidavit of such loss, or destruction being first made.

CHAPTER CXIII.

A JOINT RESOLUTION authorizing the reception of the State House from the contractor.

(APPROVED JANUARY 2, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That the commissioners appointed under the provisions of the act of February 2, 1832, to contract for the erection of the State house, be instructed to settle with Ithiel Town, for the erection of the same, deducting from the amount stipulated to be paid, a sum sufficient to meet the expenses of so much as yet remains to be finished.

This joint resolution to take effect and be in force from and after its passage.

CHAPTER CXCIV.

A JOINT RESOLUTION relative to pre-emption to settlers on the public lands of the United States, within the State of Indiana.

(APPROVED JANUARY 2, 1836.)

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions to continue in force the act of Congress, granting pre-emptions to settlers on the lands of the United States, so far as to grant pre-emptions to settlers on any of the lands of the United States which have been in market for the term of three years; and that his Excellency the Governor, transmit a copy of this joint resolution, to each of our Senators and Representatives in Congress, as soon as practicable.

CHAPTER CXCV.

A JOINT RESOLUTION confirming the sale of certain Michigan road lands.

[APPROVED FEBRUARY 4, 1836.]

Be it resolved by the General Assembly of the State of Indiana, That the Michigan road lands sold at Chippeway on the 15th of September last by the commissioner of said road be considered in all things valid, and that said sales, are hereby confirmed.

CHAPTER CXCVI.

A JOINT RESOLUTION in relation to the Marion county Library moneys.

(APPROVED FEBRUARY 1, 1836.)

Resolved by the General Assembly of the state of Indiana, That Caleb Scudder of Indianapolis be, and he is hereby appointed an agent for the county of Marion to receive of any person or persons, officer or officers whatever, any and all moneys in his or their hands, arising from the "two per cent on all future sale of all lots in Indianapolis," set apart to said county, by an act, entitled "an act for the formation of a new county, out of the county of Delaware," approved January 24, 1821.

CHAPTER CXCVII.

A MEMORIAL of the General Assembly of the State of Indiana, to the Congress of the United States, praying further appropriations on the National road which lies within the limits of Indiana.

(APPROVED, JANUARY 23, 1836.)

The memorial of the General Assembly of the State of Indiana, would most respectfully represent to the Congress of the United States, that the liberal appropriations, heretofore made for the construction of that part of the great Cumberland, or National road, which lies within the State of Indiana, have hitherto been productive of but comparative partial benefit, owing, it is believed, to the late period of the sessions of Congress, at which those appropriations have generally been granted; the consequence of which has been, that the labor thereon has been necessarily deferred, until too late in the most suitable season of the year, for the performance therof, to the best advantage; consequently, grading, materials, &c. have

not had sufficient time to become sufficiently settled, before the commencement of the wet season; neither is the necessary time afforded the contractors thereon, to complete their contracts in the best possible manner, the effects of which have been such, that unless further appropriations be speedily made by the General Government, the work already done on said road, must necessarily, to a very great extent, become dilapidated and useless.

Your memorialists further represent, that a bridge across the Wabash river at Terre Haute, on said road, would be of great utility to the public, and they earnestly request an appropriation for that purpose, of twenty-five thousand dollars.

Your memorialists would therefore, for the reasons above set forth, and in consideration of the great advantages arising from said road to the Union, but especially to the north-western states, respectfully request, that your honorable bodies, from considerations of public utility and economy, and in furtherance of the compact entered into between the United States and this State, grant an early and liberal appropriation of funds for the year 1836, toward the gradual completion of that part of said road. And your memorialists, as in duty, &c.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means within their power, to effect the object of the foregoing memorial.

Resolved, That the Governor of this State transmit to each of our Senators and Representatives in Congress a copy of this memorial.

CHAPTER CXCVIII.

A JOINT RESOLUTION on the subject of Maps.

(APPROVED DECEMBER 23, 1835.)

Resolved by the General Assembly of the State of Indiana, That the auditor audit and the treasurer pay to Charles Scoville thirty-six dollars, out of any money in the treasury not otherwise appropriated, the price of three maps and books of the United States, published by Mitchell and Hinman, in 1835, for the use of the two houses of the General Assembly, and one for the use of Secretary's office.

CHAPTER CXCIX.

A JOINT RESOLUTION respecting Blackford's Reports.

(APPROVED FEBRUARY 1, 1836.)

1. *Resolved by the General Assembly of the State of Indiana*, That the Secretary of State subscribe for and receive from the reporter, when ready for delivery, a sufficient number of the third volume of Blackford's reports of the decisions of the supreme court, for the following purposes: one copy for the clerk's office of the Supreme Court; one for the clerk's office of the District Court of the United States, for Indiana; one for the Indiana Law Library; one for each board of county commissioners; one for each clerk's office of the several Circuit Courts; one for each probate judge; one for each county library; and one for each incorporated college in this state: Also one copy for each state and territory of the United States; one for the library of Congress; and ten for the State Library of this State; and that the secretary purchase for the purpose, and deposit the first and second volumes of said Reports, at each of said places, where such deposit is not already made.

2. *Resolved further*, that the said Secretary of State in like manner, purchase and safely keep in his office, seventy five copies of each volume of the said Reports, subject to the future distribution of the legislature: that the amount of the subscription price of the aforesaid copies, is hereby appropriated to pay for the same; and that when they are received by the secretary, the auditor shall audit, and the treasurer shall pay the amount, out of any moneys not otherwise appropriated.

CHAPTER CC.

A JOINT RESOLUTION on the subject of a Geological Survey of the State.

(APPROVED FEBRUARY 8, 1836.)

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Governor of this State be, and he is hereby authorized and directed to correspond with the Governors of the states of Ohio and Kentucky, on the subject of a geological examination of the territory included within the boundaries of Ohio, Kentucky and Indiana, and to ascertain whether and upon what terms said first mentioned states will join the state of Indiana in the object aforesaid.

SEC. 2. *Be it further resolved*, That the Governor be, and he is hereby authorized and directed to open a correspondence with one or more eminent geologists in the United States, in regard to the

measure hereby contemplated, and to ascertain upon what terms, and in what manner such an examination can be procured, together with such other facts as in his opinion may advance the interests of Indiana, connected with this subject; which correspondence it shall be his duty to lay before the next General Assembly, at the earliest convenient opportunity.

CHAPTER CCI.

A JOINT MEMORIAL AND RESOLUTION on the subject of the Wabash and Erie canal.

(APPROVED FEBRUARY 6, 1836.)

Whereas the legislature of the state of Indiana by an act approved January 28, 1836, entitled an act to provide for a general system of internal improvement has authorized and directed the extension of the Wabash and Erie canal to the Ohio river, the connection of said canal with lake Michigan, the construction of canals along the White Water and White river valleys; together with several rail roads and turnpikes across the interior of the state, all of which improvements are designed to be connected with the Wabash and Erie canal, and through that canal with Lake Erie; And whereas the completion of the said works of internal improvement, will augment the amount of transportation on the eastern section of the Wabash and Erie canal, greatly beyond that which was contemplated at the time said canal was commenced; and whereas this increase in the amount of business would seem to indicate the necessity of a corresponding enlargement of that part of the canal; and whereas a portion of said canal passes through the territory of the state of Ohio, and is under the control of that state, which creates a necessity for a co-operation between the two states—Therefore,

Resolved by the General Assembly of the State of Indiana, That the propriety of enlarging the dimensions of the eastern section of the Wabash and Erie canal, so that its width shall be seventy feet and its depth six feet, be respectfully suggested to the General Assembly of the state of Ohio.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing preamble and resolution to the governor of Ohio.

CHAPTER CCI.

MEMORIAL AND JOINT RESOLUTION of the state of Indiana, to Congress on the subject of granting a bounty in land to the organized militia men, mounted militia men and rangers of the last war.

(APPROVED FEBRUARY 5, 1836.)

Your memorialists the General Assembly of the state of Indiana, would respectfully represent that justice to the organized militia men, mounted militia men and rangers who so successfully protected the frontier of Indiana, Illinois and Missouri, during the last war with Great Britain, demands from the general government some additional remuneration to the small pittance allowed them in the act under which they patriotically enrolled themselves. Your memorialists are aware that this subject has been brought before your honorable body during the last session of Congress by the state of Illinois; with the views expressed by that state in her memorial, your memorialists most fully accord—We therefore ask for the passage of an act providing that each commissioned officer non-commissioned officer, and soldier of the organized militia men, mounted militia men and rangers who entered the service of the United States under the several acts of Congress, providing for the defence of the frontier during the late war with Great Britain and who were regularly discharged, shall be allowed, under such regulations as shall be prescribed by the secretary of the treasury, 160 acres of land as a bounty from the United States; the said land to be entered at the proper land office, and selected out of any of the unappropriated land of the United States, which may be subject to sale at private entry, and providing also that the legal representatives of such soldier or officer, who may not be living at the passage of the law, shall be entitled to the same number of acres.

Resolved by the General Assembly of the State of Indiana, That the governor be requested to transmit to each of our senators and representatives in Congress, a copy of the foregoing.

CHAPTER CCIII.

A JOINT RESOLUTION on the subject of revising the school laws.

(APPROVED FEBRUARY 6, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That the Governor is hereby authorized and required to appoint some suitable person to revise the congressional school laws, during the next vacation of the General Assembly.

Resolved, That it shall be the duty of the reviser, so appointed, to collate and systematize all the laws on the subject of congressional

schools, and present the same to the next legislature, and to define in separate chapters, the duties of each officer having charge of the school funds, and who may be appointed to perform any other duties.

Resolved, That it shall be the further duty of such reviser, to suggest to the next legislature, such amendments as in his opinion would be necessary to render the system less complex and approximating as near as possible to perfection.

CHAPTER CCIV.

A JOINT RESOLUTION and memorial for the relief of Margaret Nation and others.

(APPROVED JANUARY 30, 1836.)

Whereas, it is represented to this General Assembly that Margaret Nation is a very aged and infirm woman, who is incumbered with a large family of deaf and dumb children whom she is unable to support and who are unable on account of the aforesaid affliction to support themselves. Therefore,

Be it resolved by the General Assembly of the State of Indiana, That our senators in Congress be instructed and our representatives requested to use their best exertions to procure the passage of a law by Congress, donating one quarter section of land to each of said individuals, to wit: to the said Margaret Nation and her said children, William Nation, Christopher Nation, Elias Nation, Jane Nation, Elizabeth Nation and Anna Nation, in some section of Indiana, where the lands are yet vacant.

Be it further resolved, That his Excellency the Governor be requested to forward a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

CHAPTER CCV.

A JOINT MEMORIAL and resolution to the Congress of the United States.

(APPROVED, FEBRUARY 4, 1836.)

To the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the General Assembly of the State of Indiana, respectfully represent, that between Fort Wayne on the Wabash and Erie canal and Richmond in Wayne county, there is a great tract of fertile soil, intersected by no navigable streams and without roads or other facilities of communication; that the country for about

half the distance is but thinly inhabited, and that the lands belong chiefly to the General Government and unless the means of intercourse are furnished must remain unsold and unsettled for many years to come; therefore your memorialists are of opinion, that it would conduce no less to the advantage of the General Government, than to this state, to make to the State of Indiana a liberal donation in lands, to aid in the construction of a turnpike road to connect the above named points.

Resolved, That our Senators and Representatives in Congress be respectfully requested to use their exertions to obtain the object of the above memorial.

Resolved, That the Governor be requested to forward a copy of the foregoing memorial and resolution to each of our Senators and Representatives in Congress.

CHAPTER CCVI.

A MEMORIAL of the General Assembly of the State of Indiana, praying an appropriation for the construction of a Harbor at the mouth of Trail creek.

(APPROVED JANUARY 23, 1836.)

To the Honorable, the Senate and House of Representatives of the United States in Congress assembled: The memorial of the Legislature of the State of Indiana respectfully represents:

That the shore of Lake Michigan, at the mouth of Trail creek in the State of Indiana, by a resolution of the State Legislature, was selected as that point on the lake where a harbour could be made, that would in the greatest degree promote the interest of the State, by affording the greatest commercial advantages; to this point all the works of internal improvement from the interior of the state the lake have been directed.

On that shore so lately wild and uninhabited, a city is now springing up, an enterprising population are fixing their homes. Already the constant hum of business is heard there, and the sales of commerce begin to whiten the hitherto undisturbed waters of the great lake.

The situation is open to the north west, and is so much exposed to the strong winds from that quarter, that vessels lying at anchor, or coming into port under their influence, are rendered unmanageable, and many have been lost from this cause. Several times during the last fall, the citizens of the place have been called upon to succor the shipwrecked; and in some instances they were unable to do so, and many persons perished. The vessels of repels are now too frequent and the loss of lives and property too great, to be longer suf-

ferred by a country always anxious to protect and guard its commercial interests, and to hold out all inducements to its citizens to engage in that business, so conducive to the prosperity of a nation. The amount of money paid for the freight of produce and merchandize at Michigan city, during the past year has exceeded twenty thousand dollars. The value of the merchandize landed at the same place in the same period, and forwarded from thence into the interior of our state, we are credibly informed, has been upwards of four hundred thousand dollars. Indeed the whole northern part of our state for near one hundred miles south from lake Michigan has received its supply, mainly through that channel, and must continue to do so, until other works of internal improvement shall be completed. It is now the only road to the city of New-York.

An appropriation has been made by Congress to erect a light house at this point, and nothing now is wanted but a commodious harbour, to make the navigation of that part of the lake safe and the anchorage good.

Your memorialists are of opinion that to Indiana, this is an important subject. On the limited part of the lake, within her territory, this point offers to her citizens the greatest advantages for trade, but to render that trade prosperous it must be made safe. Unless this is done we must resort to other and distant ports, more favored in their natural formation, or more fortunate in their applications for artificial improvement.

The interests of the eastern states are in this respect connected with ours. From thence we must semi-annually receive our supplies, to them, through the lakes we send our produce. All are interested, that the communication should be rendered easy—all have suffered by its dangers.

We respectfully ask that an appropriation may be made by you, for the construction of a harbor at Michigan City, to be commenced during the present year.

Resolved, That his excellency, the Governor be requested to transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress.

CHAPTER CCVII.

A JOINT RESOLUTION relative to certain unclaimed lands in the Wabash bottom below Vincennes in Knox county.

(APPROVED FEBRUARY 4, 1836.)

Whereas, it appears there are four or five sections of unclaimed or inundated land situate about six miles below Vincennes in the county of Knox yet unentered belonging to the United States, and described as follows: bounded on the north west by the Wabash

river, on the north east by the Lower prairie, south east by Catharinette and Fort Sin prairie, on the south west by Fort Sin creek. That said unclaimed land is surrounded by lands owned by citizens of French extraction, descendants of those who rendered the American cause essential service during the campaigns of '78 and '86 in conquering and maintaining the Western posts against the British and Indians; for which they never have received any renumeration. That in consequence of the inundation of this tract of land, the said inhabitants are injured in their health and in their agricultural pursuits. Wherefore,

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives requested to use due exertion to procure a cession of said unclaimed lands to Lambert Burwois and others, the inhabitants of French extraction residing in the prairies and lands adjoining said unclaimed tracts for the purpose of constructing a levee or embankment to prevent the overflowing of the Wabash into said bottom, and the adjoining lands.

Resolved, That his excellency the Governor be requested to forward a copy hereof to each of our Senators and Representatives in Congress.

CHAPTER CCVIII.

A JOINT RESOLUTION on the subject of providing compensation to the United States rangers, raised under the act of Congress of June 1832, for horses lost by them whilst in the service.

(APPROVED FEBRUARY 5, 1836.)

Be it resolved by the General Assembly of the State of Indiana, That our senators and representatives in Congress be requested to use their influence to procure the passage of a law by Congress providing for the payment of horses lost by the United States rangers, raised under the act of Congress, approved June 15, 1832, while in the service of the United States.

Be it further resolved, That the Governor of this state be requested to transmit a copy of the foregoing joint resolution to each of our senators and representatives in Congress.

AUDITOR'S REPORT.

AUDITOR'S OFFICE, }
Dec. 16, 1835. }

In obedience to the act entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the following report of Receipts and Expenditures on account of the State of Indiana, from the 30th day of November, 1834, to the 30th day of November, 1835, both inclusive.

RECEIPTS.

There was remaining in the Treasury on the 30th Nov. 1834, provided all claims audited to that date were paid

\$2,195 39

Since that period there has been received at the Treasury on account of revenue paid for 1831 7 10
On account of collection of revenue for 1832 77 76
" " " " 1833 103 49
" " " " 1834 44,348 78

44,537 13

" sales of Michigan road lands	10,876	86
From Agent of State for town of Indianapolis	10,111	14
" Sale of Seminary lands	4,457	69
" Borrowers of Seminary Fund, (refunded)	8,883	37
" Interest on Loans of Seminary Fund	2,518	16
" Estate without known heirs	34	03
" Rents of Saline Lands	234	12
" Sales of Saline Lands	4,402	43
" Sales of Mortgaged Lands	500	00
" Interest of Indianapolis Fund	2,059	69
" Loans of Indianapolis Fund (refunded)	16,657	51
" Superintendent of State Prison	700	00
" Interest on Saline Funds	682	47
" Loans refunded of Saline Funds	500	00
" Congressional Township	550	00
" Monies refunded	10	00

63,177 50

Making the amount of receipts, with cash on hand at last report

109,910 02

EXPENDITURES.

Since the above period, there has been audited for Public Printing, Stationary, and distributing Laws, &c.	5,542	99
For expenditures of the last General Assembly, including pay of Members, Clerks, and Door-keepers	19,191	32
For salaries of Executive officers	1,800,00	00
" " Prosecuting Attorneys	1,144	39
" " Supreme and President Judges	7,108	83
" " Probate Judges	2,439	00

" "	Adjutant and Quarter-master Generals	87 10
On account of State College	2,630 08	
" " State Library	200 00	
" " State Prison	2,999 76	
" " Michigan Road	11,279 23	
" " Seat of Government	312 00	
" " Specific Appropriations	2,621 05	
" " Wolf Scalps	903 00	
" " Loans of Seminary Funds	10,205 00	
" " Expenditure of Contingent Fund	774 45	
" " State House	26,131 74	
" " Loans of Indianapolis Funds	2,908 35	
" " Loans of Saline Funds	5,457 50	
" " Expenditures of Saline Funds	1 62	
" " Conscientious Pines distributed	9 00	
" " Treasury Notes burnt	27 00	

Making the total amount of Expenditures \$103,773 21

From \$109, 02, (the Receipts,) take \$103,773 21, (the Expenditures) and there remains in the Treasury, on the 20th November, 1835. \$6,136 81.

The amount of Assessments for the present year is \$58,769 00, from which, after deducting delinquencies and expenses of collection, there will, probably, be realized \$50,900.

Respectfully submitted,

MORRIS MORRIS,
A. P. A.

TREASURER'S REPORT.

TREASURY DEPARTMENT,
Indianapolis 9th Dec. 1835.

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of public accounts and Treasurer of State," submits the following Report of the Revenue and Expenditures of the State, and the operations of the Loan Office &c., from the 1st of December, 1834 to the 1st of December, 1835.

There was a balance remaining in the Treasury

on the close of the last financial year of			
Receipts during the fiscal year from revenue of			\$2,324 14
" " " 1831	\$7 10		
" " " 1032	77 76		
" " " 1833	103 49		
" " " 1834	44,348 78		

Rents paid by Superintendant of State Prison	44,537 13	
From sale of Michigan Road Lands	700 00	
	10,876 86	

" " Lots, &c., at Indianapolis	10,111 14
Loans of Indianapolis Fund refunded	16,647 51
Interest on loans of Indianapolis Fund	2,059 66
Estate without Heirs	34 03
Monies refunded	10 00
Congressional Townships	550 00
The receipts in the College branch of the Loan Office department have been, from Wm. Alexander, commissioner of Reserve township, in Monroe	1,804 36
James Smith " Gibson	2,653 33
Loans refunded	8,833 37
Interest on Loans	2,518 19
Sale of Mortgaged Lands of John Berry	500 00
	10,359 25
The amount paid into the Treasury, of Saline Fund, appertaining to the Loan Office, has been, from Henry Young, com'r.	
Saline Lands in Washington county	592 56
" Andrew Wilson " in Orange co.	3,809 87
" Loans refunded	500 00
" Interest on Loans	582 47
" Rents Salt Lick Reserves	234 12
	5819 02
	\$110,038 77

THE EXPENDITURES DURING THE SAME PERIOD, HAVE BEEN,

Pay and mileage of members of the Legislature, including Clerks Door-keepers &c.,	\$19,194 82
Printing and Stationary	5,542 99
Specific Appropriations	2,621 05
Contingent Expenses	774 45
Premium on Wolf Scalps	606 50
Pay of Probate Judges	2,475 00
" Executive Officers	1,800 00
" Judges of Supreme and Circuit Courts	7,108 83
Pay of Circuit Prosecutors	1,144 29
" Adjutant and Quarter-master Generals	87 10
Payments on account of State house	26,131 74
" " State Prison	3,085 01
" " Library	200 00
" " Seat of Government	312 00
	\$71,083 68
Loans of Indianapolis Fund	2,908 35
Michigan Road Scrip redeemed	10,051 86

Treasury Notes burnt	27 00
Conscientious Fines distributed	9 00
Michigan Road	
The disbursement on account of the College	1,227 37
Branch of Loan Office, have been, Indiana	
College, including Incidental Expenses of	
Loan Office	
Loans of College Fund	2,93008
	10,205 00
Payments on ac't. of Saline side of Loan Office:	13,135 08
Amount of Loans	5,457 50
" Specific Appropriations	1 62
Cash on hand, Dec. 1st, 1835	5,459 12
	6,137 31
	<u>\$110,038 77</u>

The available means of the Treasurer, for the ensuing year, may be estimated as follows:

Cash on hand 1st Dec. 1835	
The revenue of 1835 to be paid subsequently to 30th Nov. 1835	\$6,137 31
Amount to be reimbursed from Indianapolis Fund	50,000 00
Rent from Superintendent of State Prison	6,000 00
	760 00
	<u>\$62,837 31</u>

The expenses of the year may be estimated as follows:

Salaries of Judges and Prosecutors	\$9,000 00
Executive Officers	2,6000 00
Printing, Stationary, distributing Laws, &c.	5,000 00
Legislature	22,500 00
Contingent and specific Appriations	2,500 00
Probate Judges	2,500 00
Wolf Scalps	700 00
State Prison	3,000 00
State Library	200 00
Adjutant and Quarter-master General;	150 00
The Treasury is also liable to the following existing Claims:	
Salaries and other claims not audited	2,000 00
College Fund in the Treasury	4,892 81
Saline Fund	582 44
Amount required to meet the cost of the Fire Engine, house, &c.	1,200 00

Militia Fines to be distributed	510 40
	<u>\$57,234 65</u>

Leaving a balance in the Treas'y Dec 1, 1835, of 5,502 66

The unusual promptness which attends the collection and payment into the Treasury, of the public revenue, affords satisfactory evidence of the efficiency of our revenue laws, so far as regards the operation of collection; but there is reason to believe that the assessments are, in many instances, greatly deficient in uniformity, and otherwise partial and imperfect in their character.

The just claim of the people to a fair and equal distribution of the burthens of taxation, as well of the interest of the Treasury, would seem to require such legislative aid as will ensure a greater degree of perfection and uniformity in the assessments.

The gradual increase of our revenue, thus far, is equal to the growing expenses of the State; and will, it is presumed, under the present order of things, continue to be adequate to the ordinary expenses of the government. But should the Legislature deem it expedient to adopt a liberal system, in reference to internal improvements, and such adequate compensation to public servants as may correspond with the enhanced value of every species of property, such change will be required in the revenue laws, as will be productive of a revenue considerably above that now realized.

The fund arising from the sale of lots at Indianapolis, which has been specially set apart for the erection of the State-house, will be found in adequate to the completion of that edifice and its appendages, by an amount of from ten to fifteen thousand dollars. This deficiency may be supplied by a sale of the lots, and some of the public grounds yet remaining unsold, should the General Assembly deem it expedient to order their sale. The disbursements from the Treasury, on account of the State house, have already anticipated that fund to the amount of \$6,000. Under the expectation that this sum would be reimbursed to the Treasury, by the sale of some of the public grounds, I have carried that amount into the estimates for the Treasury the coming year.

It has not been found necessary to negotiate the loan authorized to be made by the Treasurer of State, by the act of the last session of the General Assembly. Although the Treasury has been somewhat straightened on account of the heavy expenses of the State-house, yet by a prudent use of the authority given the Treasurer, by a former act of the General Assembly, to use for the purpose of the State-house, any funds in the Treasury; the operations of the Treasury have not been materially embarrassed on account of a forbearance to make the loan authorized to be negotiated.

The laws establishing the Loan Office, has shown by its practical operation, to be admirably adapted to the productiveness and security of the funds authorized to be loaned.

The forms directed to be forwarded by the Treasurer of State to

the School Commissioners in the respective counties, were prepared and forwarded in April last, but as the period has not yet arrived when the School Commissioners are required to make their returns for the present year, I am not able at this time to communicate to the General Assembly, the extent of benefit which may result from the act in question.

It will be discovered by the Table of Receipts into the Treasury the present year, that the sum of \$550 has been deposited by congressional townships through the School Commissioners, under the provisions of the 88th section of the "act incorporating congressional townships and providing for public schools therein," approved February 2d, 1833. The act provides that the proper township shall be entitled to draw from the state Treasury on the first of January in each year, the interest on the sum deposited, at a rate not less than 6 per cent. As there is no authority under existing law for loaning this fund, I have thought it my duty respectfully to suggest whether, (as the state is bound to pay the interest annually,) the money should not be authorized to be loaned upon the same principles of the College fund.

The duties assigned to the Treasurer of State in reference to the purchase of a fire engine—the insurance of the State House, &c. have been performed as circumstances would permit; a detailed statement of which will be communicated to the Legislature in a few days.

All which is respectfully submitted.

N. B. PALMER
Treasurer of State.

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